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STUDY OF LAND USE FOR RECREATION AND FISH AND WILDLIFE ENHANCEM--ETC(U)
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Appendix C

**STUDY OF LAND USE FOR RECREATION AND
FISH AND WILDLIFE ENHANCEMENT**

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**Federal and State
Agency Profiles**

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By
Coastal Zone Resources Corporation
Wilmington, North Carolina

May 1975

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COASTAL ZONE RESOURCES CORPORATION

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APPENDIX C

Study of Land Use for Recreation and Fish and Wildlife Enhancement

FEDERAL AND STATE AGENCY PROFILES

Submitted to
Recreation-Resource Management Branch
Office, Chief of Engineers
U. S. Army

By
Coastal Zone Resources Corporation
Wilmington, North Carolina

May 1975

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The main section of this appendix consists of

INTRODUCTION

A. Federal Agency Profiles

Descriptions of the major Federal entities concerned with land management, including special attention to recreation and fish and wildlife enhancement programs, are included in this Appendix. The data were collected through direct agency interview and examination of documents supplied by agency personnel. The data were used as part of analyses focusing upon alternative Federal management institutions. Four separate sections are provided for each of the agencies chosen by the Corps:

- (1) U. S. Forest Service (USFS); (2) National Park Service; (NPS); (3) Bureau of Land Management; (BLM); and (4) U.S. Fish and Wildlife Service (USF&WS) (formerly Bureau of Sport Fisheries and Wildlife); In addition, two other agencies, (5) the Tennessee Valley Authority (TVA) and (6) the Bureau of Reclamation (BuRec), were surveyed and are reported upon here. (cont on p. C.0.4)

In addition to the operating land management activities which are included in this report, the study team met with and discussed land use for recreation and fish and wildlife enhancement with representatives of other agencies and groups. Included among them were: Bureau of Outdoor Recreation (BOR); Council on Environmental Quality (CEQ); National Recreation and Parks Association, National Conference on State Parks; and Bureau of the Census.

No effort has been made to force-fit the Federal land management agencies into a pre-conceived format or outline of functions and responsibilities. They have diverse charges and have developed their own particular organizations for

meeting their goals and objectives. The general statutory authorities; budget and funding sources; administrative organizations; fees, charges, and in-lieu payment arrangements; and authorities for acquisitions and leases are covered for each. Both recreation and fish and wildlife are covered where appropriate.

Actual unit cost data were not generally available for the operating land management agencies. In those limited instances where they were available, they have been discussed in the agency profile.

The Department of the Interior recreation and fish and wildlife bureaus and services use incremental budgeting for program enhancement and have not developed unit costing. It is possible to take the number of visitors, or visitor days, and the total cost of operation of a given recreation area and compute a cost per recreation day. This cost can then be used to project future costs based on projected utilization factors, but most agencies were concerned about the reliability of such a technique. This technique assumes all variables, other than dollars and recreation days, remain constant.

BOR included an Appendix (1) with its 1973 Outdoor Recreation Plan which sets forth outdoor recreation facility cost estimates for selected activities. These activities included:

1. 18 hole golf course
2. Tennis court
3. Community pool (2 sizes)
4. Outdoor beach areas
5. Campgrounds

6. Trails
7. Boating facilities (2 types)
8. Picnic sites

The presentation uses formalized capital costs for defined units of recreation facilities, e.g., an 18 hole golf course, a 6 unit tennis court, or a 200-site campground. Operating costs based on an optimum staffing allocation are also estimated per unit of recreation. Since this booklet was recently published, no record was found of direct applications of the data to the incremental units of increased costs for recreation activities in the Department of the Interior land management bureaus and services.

USFS recreation resource specialists indicated that they do not have unit cost data at the central office in Washington. They noted that Forest Supervisors have developed empirical data on the costs of various activities and that these data generally form a basis for evaluating cost estimates from each National Forest. It is recognized that costs vary from Forest to Forest and there are no figures that are applicable nationwide.

In the course of the survey, it was learned that continuing review of land use for recreation (more so than fish and wildlife enhancement) is being conducted by the National Conference on State Parks of the National Recreation and Parks Association. The Council on Environmental Quality has sponsored a related study on recreational use of water supply reservoirs and a report is expected in late 1974. The American Society of Planning Officials has sponsored an effort by Professor Richard Ragatz, University of Oregon, to evaluate recreation homes. That report is available

cont fr p. C. 0. 1 → Information is also provided on the following six,

through the National Technical Information Service under the title Recreation Properties (PB 233-148/AS).

B. State Agency Profiles

Although the General Description of Work only requested "two or three selected state park systems and state fish and game agencies" for survey, information from six states is reported, as follows:

1. → Washington-- Parks ^{and} Recreation Commission;
2. Texas-- Parks ^{and} Wildlife Commission;
3. Pennsylvania-- Bureau of State Parks;
4. Tennessee-- Wildlife Resources Agency;
5. Missouri-- Conservation Commission; and
6. Minnesota-- Department of Natural Resources.

The criteria that were used in the selection of the above States were:

- a. Total Federal/State/local public recreational opportunities within each state.
- b. Interrelationships which exist between the Federal/State/local fish and wildlife programs, i.e., whether there is fish and wildlife management activity at all three levels of government: a wildlife refuge and a town conservation commission in addition to a traditional State fish and wildlife agency complemented in the planning area by Federal environmental services and financially by Pittman-Robertson, and Dingell-Johnson funds.
- c. The number of Corps of Engineer water resource development projects that have been built within the state.
- d. Existence of innovative land use, recreation, and fish and wildlife practices. Information

concerning the criteria were developed as part of the case study work effort new criteria have emerged: State land use policy and planning.

In addition, preliminary state profiles were developed from statistical data published by the U. S. Department of Commerce, Bureau of the Census; the National Recreation and Parks Association; the Council of State Governments; and U. S. Army Corps of Engineers (Corps).

Personnel were interviewed (by telephone) at the Council of State Governments (both Washington, D. C. and Lexington, Kentucky) and personal interviews were held with the Assistant Chief of the Governments Division, Bureau of the Census, and the head of the Special Projects Branch within that Division.

States were sought which would provide a wide range of activities and information from various levels of state effort, various levels of Corps effort, and various management practices.

The six state agencies listed above were approved for study by the Corps on 2 October 1974. A profile summary, structured in the same manner as the individual sections in each profile, is shown in Figure C.0.1.

Particular attention is invited to unique activities in three of the state profiles. The Bureau of State Parks of the Commonwealth of Pennsylvania has worked extensively with the Pennsylvania State University on the development of a unit costing technique. This technique has involved the collection of cost data on 17 recreational activities since fiscal year 1973-1974. Experimental uses of the

Figure C.0.1 Profile Summary

<u>STATE</u>	<u>AGENCY</u>	<u>AUTHORITY</u>	<u>BUDGET</u>	<u>FUNDS</u>	<u>ADMIN</u>	<u>IN LIEU TAX PAY- MENTS</u>	<u>CONDEM- NATION AUTHORITY</u>	<u>LEASING</u>	<u>STATE</u>
TENN.	Wildlife Resources Agency	Statute	INCR	Ded	Comm	Yes	ADMIN	Specific Leasing Authority No Standard Concessions Pol.	TENN
TEXAS	Parks and Wild- life Commission	Statute	ZERO- BASE	Ded/Gen 80%/20%	Comm	Yes	ADMIN	Specific Leasing Authority Standard Concessions Policy	TEX
MO.	Conservation Com- mission	Consti- tution	INCR	Ded	Comm	Yes	ADMIN	No Specific Leasing Auth. Standard Concessions Contract	MO
MINN.	Dept. of Natural Resources	Statute	INCR	Ded/Gen 50%/50%	Cab	Yes	LEGIS	Specific Leasing Auth. No Standard Concessions Pol.	MINN
WASH.	Parks and Recrea- tion Commission	Statute	INCR	Gen	Comm	No	ADMIN	Specific Leasing Authority Standard Concessions Policy	WASH
PENN.	Bureau of State Parks	Statute	INCR	Gen	Sub-Cab	Yes	ADMIN	Specific Leasing Authority No standard Concessions Pol.	PENN

C.0.6

Notes:

Budget. INCR equal incremental, justifying additional request
ZERO-BASE equal rejustification of entire program

Funds. Ded equal substantially dedicated sources
Gen equal substantially from general revenue
(Approx. percentage shown when significant amount from both sources)

Admin. Comm equal Commission
Sub-Cab/Cab = Sub-Cabinet/cabinet

Condemnation Authority: ADMIN = Administering Agency of Department
LEGIS = Legislative only

technique have been to critique park operations, to assist in budget preparation and to assist in long range planning.

The State of Washington is in the process of applying the concept known as "possessory interest" for its concession activities. This concept grants to the concessionaire "all incidents of ownership, except the right to free transfer of mortgage and legal title." The concept is developed in the regulations on concessions and leases included as Attachment C.7.B of the Washington State profile.

Texas is the only one of the states surveyed that is making an extensive effort to convert to zero-base-budgeting which requires the identification of unit costs and budget justification at various levels of services or activities. Attention is directed to Attachments C.8.B, C.8.C, and C.8.D which are addressed to the procedure for zero-base-budgeting, a sample operational activity, and a capital activity, respectively.

The remainder of this report is organized to present the profile of each State surveyed as a complete entity with relevant supporting statutes, constitutional provisions, fees schedules, or other available supporting data attached. Each profile is structured as listed below to address the elements set forth in the statement of work.

- Statutory Authority and Responsibilities
- Administrative Organization
- Budgeting, Source of Funds, and Unit Costs
- Payments in Lieu of Taxes
- Administration of Fees and Charges
- Authority to Acquire Land for Recreation Purposes
- Authority and Procedure for Leasing Land and/or Facilities to Individuals

REFERENCES

1. Outdoor Recreation: A Legacy for America, Appendix "A"
An Economic Analysis, U. S. Department of the Interior,
Bureau of Outdoor Recreation. December 1973.

C.O.9

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C.1 PROFILE OF
U. S. FOREST SERVICE

A. INTRODUCTION

The USFS was created by the Transfer Act of 1905 (33 Stat. 628; 16 USC 472) which transferred the Federal Forest reserves, and the responsibility for their management, from the Department of the Interior to the Department of Agriculture.

The forest reserves were originally established by the President from the public domain under authority of the Creative Act of 1891. (26 Stat. 1103; 16 USC 471). The Weeks Law of 1 March 1911 (36 Stat. 961-963; 16 USC 480), as amended allowed the Government to purchase and exchange land for National Forests.

The protection and development of the reserves (which became the national forests in 1907) is governed by the Organic Act of 1897 (30 Stat. 34-36; 16 USC 473-478), as amended, by the Transfer Act of 1905, (33 Stat. 628, 16 USC 472), and by the Multiple Use - Sustained Yield Act of 1960 (74 Stat. 215; 16 USC 528-531).

All lands in the federal forest reserves are administered in accordance with the following provisions of the Organic Act of 1897:

1. To improve and protect the forest within the boundaries.
2. To secure favorable conditions of water flow.

C.1.1

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3. To furnish a continuous supply of timber for the use and necessities of citizens of the United States.
4. To eliminate agricultural purposes and mineral extraction from the forest reserves.

The Transfer Act of 1905 has no explicit directives for management of the natural resources but an accompanying letter of 1 February 1905 from the Secretary of Agriculture to the Chief of the USFS stated:

"In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people and not for the temporary benefit of individuals or companies ... The permanence of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of the resources in no way conflicts with their permanent value."

This statement of policy paved the way for the most definitive authority for the management and development of National Forest System resources - The Multiple Use - Sustained Yield Act of 12 June 1960 (16 USC 528-531). This act established the policy that the National Forests are established and shall be administered for outdoor recreation, range, timber, watershed, wildlife, and fish purposes. It authorizes and directs the Secretary of Agriculture to develop and administer these renewable surface resources for multiple use and sustained yield of the several products and services obtained therefrom. It requires that due consideration shall be given to the relative values of the various resources in particular areas.

B. RECREATION

1. Authorities

Authorities governing the management of recreation resources in the National Forest System generally fall into five categories. The first category, the development of sites, is a provision of the Multiple Use - Sustained Yield Act of 1960. The Act authorizes the Secretary of Agriculture to develop and administer renewable surface resources for multiple use and sustained yield of several obtainable products and services.

Within the development of sites, there is a provision for the construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of national forest reserves. This does include recreation facilities (16 USC 513-519). Land acquisition is covered under the Weeks Act of 1911 (16 USC 480).

The second category is the regulation of occupancy and use. The Organic Administration Act of 1897, as amended, instructs the Secretary of Agriculture to regulate occupancy and use to preserve the National Forests. Secretary of Agriculture regulations (36 CFR 251.90 through 36 CFR 251.96) regulate occupancy and use of developed recreation sites and areas of concentrated public use by prohibiting those uses which may affect sanitation and public health, the preservation of public property, or the rights and safety of other persons in the area.

An extremely important subsection of authorities falls under the category of regulation of occupancy and use. This permit and lease section contains the most explicit recreation authorities.

The Organic Act of 1897 is the basic authority for annual special use permits. Special use permits are either term or annual and cover a wide range of services including recreation use (public or private), agricultural use, community uses, industrial use, public information research, study and training, transportation utilities and communications, and water. (Special uses defined 36 CFR 251.1.)

The Act of 4 March 1915, as amended 28 July 1956 (38 Stat. 1101; 16 USC 497) authorizes term permits for specified uses upon National Forest lands. Permits are limited to a maximum of 80 acres and 30 years duration.

The Bankhead - Jones Farm Tenant Act of 22 July 1937, as amended, (7 USC 1010-1012) authorizes the Secretary of Agriculture to construct any structures needed for beneficial use of the land. Furthermore, he may grant licenses and easements as he deems reasonable.

Section 7 of Granger - Thye Act of 24 April 1950 (64 Stat. 84; 16 USC 580(d) - authorizes term permits not to exceed 30 years duration for use of structures or improvements under the administrative control of the USFS. Permits may be required to perform maintenance of Government owned improvement as all or part of the fee.

Act of 3 September 1954, (68 Stat. 1146; 43 USC 9310.931d) - authorizes the head of any agency having

jurisdiction over public lands and National Forests to issue permits, leases, or easements (not to exceed 30 years), at the fair market value.

The third category, the requirement of fee payment is administered through the Land and Water Conservation Fund Act of 1965, (16 USC 460-465). An additional authority is known as regulation U-6a, (36 CFR 251.25a). This regulation promotes enforcement for the collection of fees at designated sites and facilities.

The fourth category covers the withdrawal of land for public uses. The Pickett Act of 1910 and Executive Order 10355 state that the Secretary of the Interior has the authority to withdraw lands from the public domain and to reserve those lands for water-power sites, irrigation, classification of land, or for other public purposes (including recreation) as specified in the orders of withdrawal.

The USFS policies and objectives generally follow the principles of multiple use and sustained yield. The Service has a preference for permanent, maintenance free construction that enhances the natural landscape, that best serves present and future needs of nearby communities and of more distant travelers, that ensures standards high enough to protect the safety and health of users with a minimum of restriction and that causes the least possible conflict with other resources in the National Forest System.

2. Administration

Administration of recreation management policy is decentralized. The Federal level deputy chiefs and division

heads coordinate activities between departments and with regional offices as well as provide service-wide leadership. However, policy does not always start at the top and then filter down through the ranks. Often the lower levels (Regional Foresters and Forest Supervisors) set policy for recreation and site plans, physical maintenance on the site, joblists, schedules, reports, inspection, Land and Water Conservation Fund procedures, financial management, safety, special use permits, cooperative agreements, and problem identification (1). Policies are set down in a series of Internal Service handbooks covering the Recreation Information Management System, the Recreation Planning Handbook and the Snow Avalanche Handbook, and in a series of Internal Unit handbooks covering swimming site administration, and landscape management. All documented USFS policy and procedures are compiled into a set of manual directives.

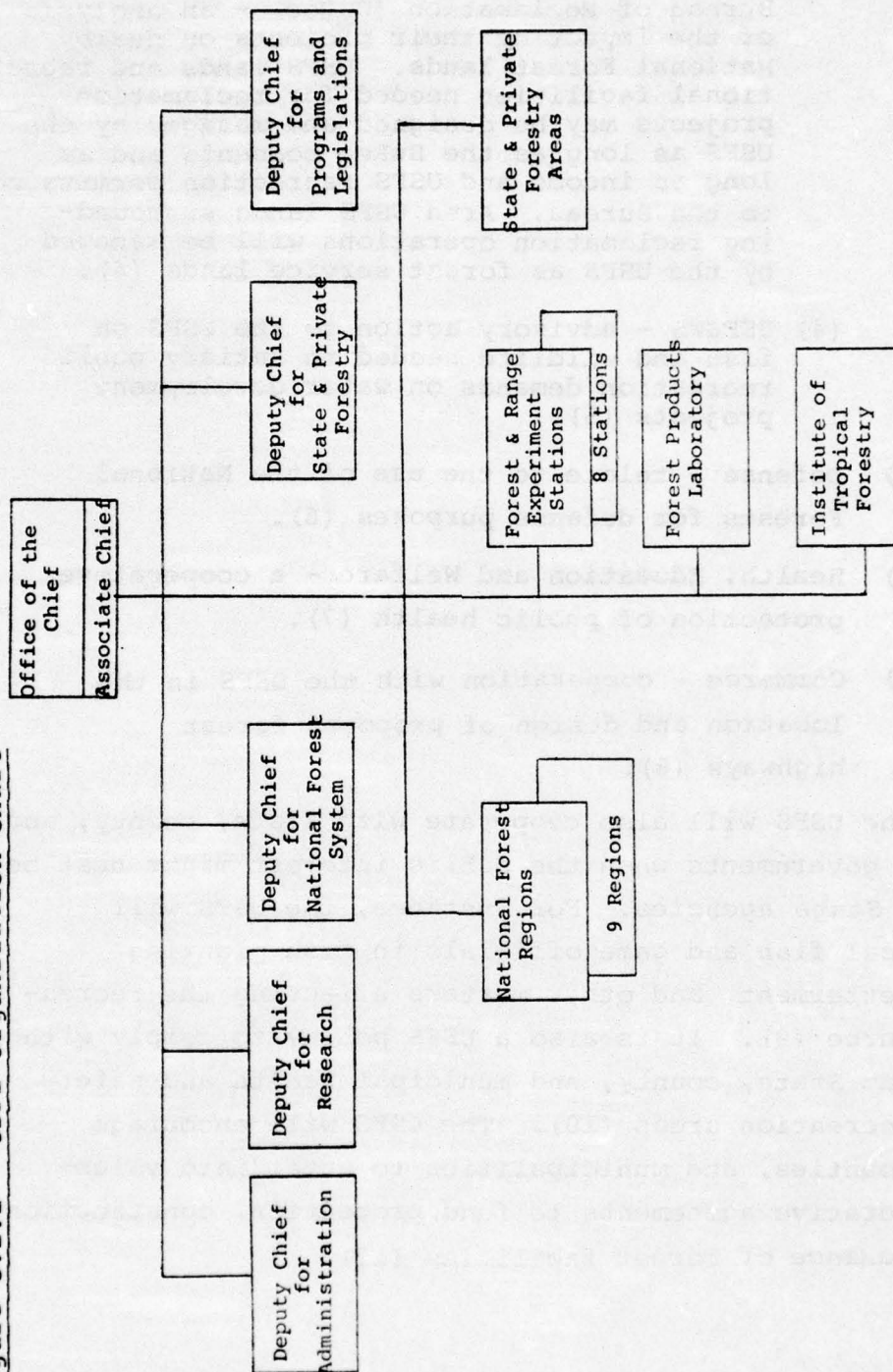
3. Coordination with other Agencies

All USFS plans are coordinated with other federal and state agencies with recreation management responsibilities. Specific agreements with other federal agencies in the recreation field are as follows:

a) Interior

- (1) U. S. National Park Service (NPS) - an informal understanding relating to development and use of National Forest lands adjacent to the national parks (2).
- (2) Bureau of Outdoor Recreation (BOR) - a coordination of federal, state, county, municipal, private and voluntary agencies to meet the nationwide demand for recreation (3).

Figure C.1.1 USFS Organization Chart



Bureau of Reclamation (BuRec) - an analysis of the impact of their projects on nearby National Forest lands. USFS lands and recreational facilities needed for reclamation projects may be designed and managed by the USFS as long as the BuRec consents and as long as income and USFS recreation permits go to the Bureau. Area USFS lands surrounding reclamation operations will be managed by the USFS as forest service lands (4).

(4) USF&WS - advisory action to the USFS on fish and wildlife needed to satisfy public recreation demands on water development projects (5).

- b) Defense - relate to the use of the National Forests for defense purposes (6).
- c) Health, Education and Welfare - a cooperative protection of public health (7).
- d) Commerce - cooperation with the USFS in the location and design of proposed forest highways (8).

The USFS will also cooperate with state, county, and municipal governments when the public interest might best be served by State agencies. For instance, the USFS will assist local fish and game officials in fish planting habitat betterment, and other matters affecting the recreation resource (9). It is also a USFS policy to comply with all minimum State, county, and municipal health and safety laws in recreation areas (10). The USFS will encourage states, counties, and municipalities to enter into voluntary cooperative agreements to fund protection, construction, and maintenance of Forest facilities (11).

A very important planning and management tool is the private sector coordination. The USFS benefits from cooperation with organizations interested in the preservation of forest resources and recreation resources, in the promotion of recreational travel, and in the development of recreation sites.

4. Classification and Inventory System

The Recreation Information Management System (RIMS) contains:

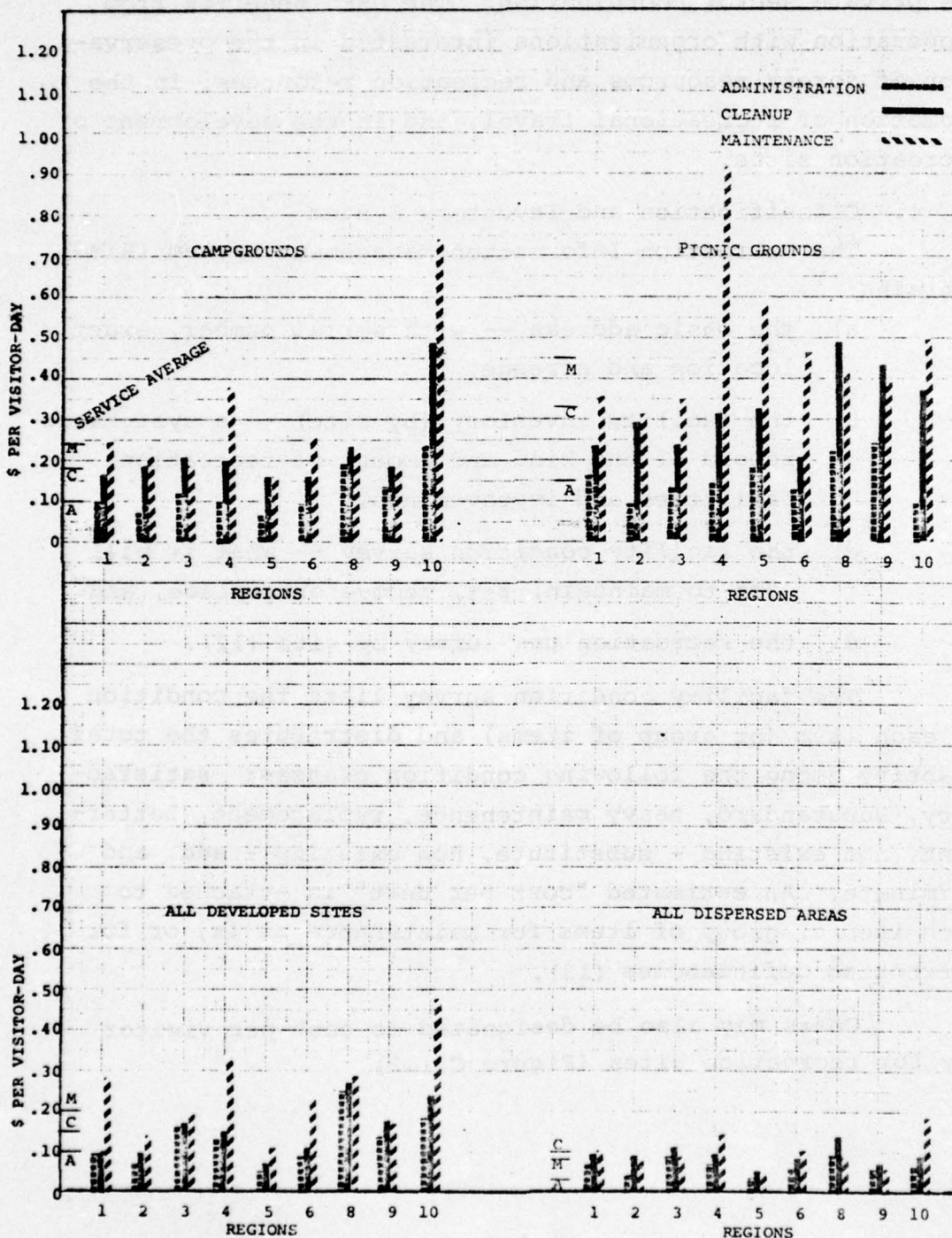
- a) the basic address -- with serial number, exact location and acreage,
- b) the facility inventory (by site) -- a systematic record of the kind and amount of recreation facilities and improvements,
- c) the facility condition survey -- what it will cost to maintain, fix, remove or replace, and
- d) the recreation use survey by site (12).

The facility condition survey lists the condition of each item (or group of items) and distributes the total quantity among the following condition classes: satisfactory, substandard, heavy maintenance, replacement, betterment, non existing - substitute, non existing - add, and eliminate. An estimated "cost per unit" is attached to each item or group of items for maintenance as is, or for correcting deficiencies (13).

Costs may also be designated as cost per visitor day for recreation sites (Figure C.1.2).

Figure C.1.2 Regional Comparison of Cost Per Visitor-Day
for Developed Sites and Dispersed Areas

FROM RIM FACILITY-CONDITION RECORD AS OF 6/30/73
AND CY 1972 RECREATION USE



Once the RIMS data are collected and analyzed they can be entered into the second type of classification and inventory system, Land Use Report System (LURS) as the basic address. The LURS relies heavily upon data from permits, leases, and cooperative agreements. The LURS can be queried for any kind of data relating to types of permits, type of billing, permittees, name, expiration date, resource class, payment period, fee amount, closure date, rights-of-way, location, and types of action (Figure C.1.3) (14).

5. Management Responsibilities

The USFS has seven areas of recreation management responsibilities in 155 national forests and 19 national grasslands. The seven areas of responsibility are wilderness and primitive areas, development sites in the public sector, development sites in the private sector, general forest environment areas, special interest areas, other nationally significant areas, and landscape management.

As of 30 June 1973 there were 187 million acres with 65 wilderness areas, 23 primitive areas, 6,590 campgrounds and picnic sites, 317 swimming sites, 844 boating sites, 218 winter sports sites, 562 organization camps, 378 resorts, 18,713 recreation residences, 120,287 miles of trails, 224,185 miles of forest highways, 16,185 named lakes, and 3,964 impoundments (fishable) (15).

a) Wilderness and primitive areas

Wilderness areas can be managed for recreation uses although recreation is not necessarily the largest single use of a designated wilderness. Wilderness resources are given the dominant consideration in all

Figure C.1.3 Land Use Report Basic Address

THIS CASE SUPERSEDES A PERMIT /OR TO IDENTITY CODE/CASE DATE OF
THIS CASE WAS REPLACED BY A PERMIT /OR TO IDENTITY CODE/CASE DATE OF

CASE IDENTITY CODE									
1. RECORD NO.	2. REGION	3. FOREST	4. USER NO.	5. CASE DATE OR FILE NO.	6. DATE OF THIS ACTION	7. THIS ACTION IS	8. DATE OF THIS ACTION	9. KIND OF USE (PRIMARY)	10. KIND OF USE (SECONDARY)
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62	62	62	62	62	62	62	62	62	62
63	63	63	63	63	63	63	63	63	63
64	64	64	64	64	64	64	64	64	64
65	65	65	65	65	65	65	65	65	65
66	66	66	66	66	66	66	66	66	66
67	67	67	67	67	67	67	67	67	67
68	68	68	68	68	68	68	68	68	68
69	69	69	69	69	69	69	69	69	69
70	70	70	70	70	70	70	70	70	70
71	71	71	71	71	71	71	71	71	71
72	72	72	72	72	72	72	72	72	72
73	73	73	73	73	73	73	73	73	73
74	74	74	74	74	74	74	74	74	74
75	75	75	75	75	75	75	75	75	75
76	76	76	76	76	76	76	76	76	76
77	77	77	77	77	77	77	77	77	77
78	78	78	78	78	78	78	78	78	78
79	79	79	79	79	79	79	79	79	79
80	80	80	80	80	80	80	80	80	80
81	81	81	81	81	81	81	81	81	81
82	82	82	82	82	82	82	82	82	82
83	83	83	83	83	83	83	83	83	83
84	84	84	84	84	84	84	84	84	84
85	85	85	85	85	85	85	85	85	85
86	86	86	86	86	86	86	86	86	86
87	87	87	87	87	87	87	87	87	87
88	88	88	88	88	88	88	88	88	88
89	89	89	89	89	89	89	89	89	89
90	90	90	90	90	90	90	90	90	90
91	91	91	91	91	91	91	91	91	91
92	92	92	92	92	92	92	92	92	92
93	93	93	93	93	93	93	93	93	93
94	94	94	94	94	94	94	94	94	94
95	95	95	95	95	95	95	95	95	95
96	96	96	96	96	96	96	96	96	96
97	97	97	97	97	97	97	97	97	97
98	98	98	98	98	98	98	98	98	98
99	99	99	99	99	99	99	99	99	99
100	100	100	100	100	100	100	100	100	100

management decisions regarding wilderness versus recreation, in accordance with the Secretary's regulation 36 CFR 251.71, item c.

Recreation facilities in wilderness areas may include public camps, improvised camp structures, hitching racks, shelters, garbage pits, and commercial wilderness camps for outfitting and guiding visitors. The establishment of new water-regulating structures, power installations, and related improvements is subject to approval by the President (PL 88-577).

b) Development sites in the public sector

Development sites in the public sector are tracts of land not within the Wilderness Preservation System with suitable characteristics for accommodation of intensive recreation activities. The site carrying capacity for intensive use (either persons at one time, or visitor-days per year), will be determined for each site and the site will be operated accordingly.

c) Development sites in the private sector

Development sites in the private sector are large, well-developed campgrounds and picnic grounds, boating sites and docking facilities, winter sports sites, rental services, organization camp sites, lodging and overnight accommodations, stores, restaurants and cafes, service stations, post offices and sports facilities and may be operated on a charge basis by a concessioner when this results in better service to the public. These concessions will be authorized by special use permit (16).

The USFS has a total of 1909 commercially operated concessions. Total annual investments for these concessions run approximately two hundred and seventy million (\$270 million). Winter sports facilities comprise the largest portion of investment (\$200 million). The rest of the investments for clubs, resorts, outfitters and guides is \$70 million annually. The USFS collects a graduated rate fee on concession sales. Annual concession sales result in approximately \$100 million annually in fees paid to the U.S. (Concession charges are determined on a competitive basis with private facilities in the area.)

Policies governing USFS funding of facilities to be placed under private concessioner management are (17):

- (1) Campground and Picnic Site. Only when private development and/or operation of other recreation facilities cause it to be advantageous for National Forest Management Programs.
- (2) Other Recreation Facilities Located at Concession Sites will be developed by concessioner as needed and will be reviewed and inspected by the USFS. Where appropriate, government funds may be used to provide utilities, roads, parking, and interpretation facilities.
- (3) Recreation residence sites are intended for use as a vacation home and are not intended to be used to the exclusion of a permanent residence elsewhere. If it becomes clear

that a residence has become permanent, the term permit may become void and may then be replaced by an annual permit (18). If it has been determined that a recreation residence lot is needed for a higher priority public purpose, the permittee may continue only until some specified future date (19). The evidence in these cases must be conclusive.

Residences may receive a special use permit if they are at locations not needed in the foreseeable future for National Forest resources and if they do not endanger the health, safety or well being of the permittee or the public.

d) General forest environment area

General forest environment areas are areas of concentrated public recreation use for continued or intermittent periods of sufficient length or magnitude to create an impact on the forest resources. Typical examples are winter snow play areas, seasonal hunter camps, swimming areas, and overflow use from developed recreation sites.

e) Special interest area

Special interest areas are areas where there exist unusual scenic, historic, prehistoric, scientific, natural, or other special interest areas. The general policy is to protect and/or foster public use and enjoyment of these areas.

f) Other nationally significant areas

National recreation areas within National Forests are established by individual acts of Congress. General guidelines are promulgated by the President's Council on

Recreation and Natural Beauty with the concurrence of the Secretary of Agriculture (20). Appropriate commercial savings are normally provided by private enterprise under USFS special use permits.

6. Fee System

Funds for operation are provided (in part) by the Recreation Fee Program which permits USFS to charge special recreation fees for the use of sites, facilities, equipment, or services provided by the USFS and (as amended in PL 93-303) entrance fees for admission to National Recreation Areas. The authorities for the fee system are the Land and Water Conservation Fund Act of 11 July 1972, and 36 CFR, 251.25a. Regional Foresters also consider the following criteria when setting rates (21).

- a. The direct or indirect cost to the United States of developing, maintaining, and operating the site, facilities and equipment and/or providing the services.
- b. The quality and/or variety of recreation opportunities offered in the site, area or nearby locale.
- c. The amount charged for admission to or the use of comparable public areas administered by Federal, state and local governments, and by private parties.
- d. The contributions of state and local governments and private organizations to the maintenance and development of the area.

- e. The administrative need to regulate, control, or otherwise manage use.

The exceptions to the fee system are even more important than the inclusions because the exceptions may govern what can take place around water areas.

First, no fee shall be charged for the use of any waters (22).

Second, no fee shall be charged for travel between two places, either or both of which are outside the area (23).

Third, no fee shall be charged any person in the exercise of a right of access to privately owned lands (24).

Fourth, no fee shall be charged for access to waters or shorelines by those classes of persons which have rights thereto under treaty or law (25).

Fifth, no fee shall be charged for commercial or other activities not related to recreation (although a special use permit is required) (26).

Priorities for expenditure are set up as follows (27):

- a. sanitation, safety, and fire protection improvements;
- b. site protection improvements;
- c. public service convenience improvements;
- d. information improvements.

There is a special category of expenditure known as payments in lieu of local taxes. The Weeks Law of 1911

(16 USC 480) allows 25% of all USFS incoming revenues to be paid to the state where the National Forest is located for the benefit of county schools and roads.

Special state situations include:

"5. Payment to Minnesota. - At the close of each fiscal year the State of Minnesota is paid 0.75% of the appraised value of certain Superior National Forest lands in the counties of Cook, Lake, and St. Louis for distribution to these counties (16 USC 577g).

6. Payments to counties, national grasslands. - Of the revenues received from the use of national grasslands, 25% is paid to the counties in which such land is situated for school and road purposes (7 USC 1012).

7. Payments to school funds, Arizona and New Mexico. - The States of Arizona and New Mexico are paid a share of the national forest receipts for school purposes (36 Stat. 562, 573).

8. Payments to States, national forests fund. - With minor exceptions, 25% of the money received from the national forests is paid to the States for public schools and roads of the county in which such forests are situated (16 USC 500)."
(28).

C. WILDLIFE MANAGEMENT

The 200 million acres of National Forests and National Grasslands provide opportunity for new approaches to integrated land management (29). The management of fish and wildlife habitats has become an important part of forest management because these areas provide public benefit for recreation including sports fishing and hunting, and non-consumptive uses such as photography and aesthetic observation.

Authorities relating to fish and wildlife fall into three categories. The first is the authority to manage wildlife habitat. Broad powers for management were granted to the Secretary of Agriculture under the Organic Act of 1897 (16 USC 551) and the Transfer Act of 1905 (16 USC 473). The Bankhead-Jones Farm Tenant Act and Secretary's Regulations (36 CFR 213.1) gave authority for wildlife management on National Grasslands. The Multiple Use and Sustained Yield Act of 1960 (74 Stat. 215) clarified USFS responsibility to manage wildlife habitat. The Act states: "It is the policy of the Congress that the National Forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes ... Nothing herein shall be construed as affecting the jurisdiction or responsibility of the several States with respect to wildlife and fish on the national forests."

The second category of fish and wildlife authority is the authority to protect wildlife. The Act of 3 March 1905 (33 Stat. 873) authorizes all USFS employees to make arrests

for violations of laws relating to the National Forests. In addition, the Secretary's regulations (18 USC 1114) directs USFS employees to "enforce regulations for the protection, preservation, or restoration of game and other wild birds and animals on lands under the jurisdiction of the Forest Service". The Agriculture Appropriations Act of 23 May 1908 (16 USC 553) designates forest officers to aid in the enforcement of the state laws to protect fish and game.

The third category is the authority to conserve wildlife on Federal projects. The main authority is the Fish and Wildlife Coordination Act (16 USC 661 et seq) which says that conservation shall receive equal consideration and shall be coordinated with other features of water resource development programs. It authorizes the USF&WS and the concerned state fish and game agency to study the effects of Federal or Federally-sponsored water development programs on fish and game habitats.

There are several memoranda of agreement between the USFS and state agencies. These are as follows:

1. Cooperation

- 36 CFR 241.1 -- USFS officials will be lawfully appointed deputy game wardens under the laws of any State. These people will be jointly selected by Forest Supervisors and directors of state and fish and game agencies.
- 36 CFR 241.2 -- The Chief of the USFS shall determine extent of wildlife production in

National Forests in combination with other uses. The Chief shall also formulate plans for maintaining desirable populations in cooperation with appropriate state officials.

2. Regulation W-2 -- Cooperation of the International Association of Game, Fish and Conservation Commissioners. It is designed to provide a means of cooperative management of wildlife and of maintaining game populations within the capacity of their habitat.
3. State -- USFS Memorandum of Understanding - to ensure a satisfactory basis of cooperation with intent to maintain that relationship regardless of changes in personnel.

The USFS also cooperates with other Federal agencies.

1. USF&WS -- the basic duties of each participating agency are defined as follows (30):

USFS -- Integration of fish and wildlife management with recreation, watershed management, timber production, range management and other uses on lands administered by the USFS, approval of predator control projects on National Forests, research on vegetation and land use effects on habitats.

2. BLM -- cooperation in seasonal movements of big game between National Forests and adjoining grazing districts, in recommendations for hunting seasons, bag limits, need

for fire closures and fisherman and hunter access (31).

3. NPS -- modification of wildlife management on national forests to meet national park requirements (32).
4. BuRec -- where projects occupy or affect national forest lands and waters, wildlife modification may be considered among the two regional offices, the USF&WS and the state (33).
5. Environmental Protection Agency -- 19 July 1967 -- cooperation with federal, state, local and private agencies for abatement of water pollution, conservation of water for public water supplies, and propagation of fish and aquatic life (34).
6. Soil Conservation Service -- exchange of services (35).
7. Agricultural Research Service -- technical assistance in pathological work and identity of wildlife parasites (36).
8. Department of Defense -- management of military reservations on National Forest lands. The Engle Act (PL 85-377) required that hunting, fishing and trapping be in accordance with State game and fish laws (37).
9. Federal Power Commisison -- USFS stipulations for measures that mitigate wildlife damages

such as adequate water releases below dams, minimum pool levels, deer conduit escapes, and adequate key winter ranges (38).

10. Interagency Committee on Water Resources -- handles interagency problems such as wildlife. Its function is to coordinate the programs of the various departments of the Federal government which are concerned with water development (39).
11. National Marine Fisheries Service -- advisory capacity in matters pertaining to development, protection, conservation and management of certain anadromous and inland fisheries resources (40).

USFS management responsibilities may be direct habitat improvement work, special area management, fish and game stocking, rights-of-way acquisition for sportsman access, hunter-fisherman camping areas, wildlife populations control, and animal damage control.

Wildlife management planning is conducted to give proper emphasis to wildlife in all land management planning. The policy of planning is to favor native game species unless unusual circumstances clearly justify introduction of exotic species.

D. PROGRAM BUDGETING

The USFS is one of the few federal agencies that has a program budget that is in line with the Office of Management and Budget (OMB) budget preparation system. During the past year, the OMB has been working with 21 departments and agencies to develop a management by objectives approach to agency planning and operations.

The OMB encourages agencies to develop automated systems for preparing their budgets and providing the computer inputs compatible with the OMB budget preparation system. The USFS has a computerized system.

The OMB also requires that dollar estimates be based upon unit cost information to permit effective assessment of performance and provide a sound basis for projection of future requirements. This is done by the USFS (on a minimum level) as basic input to the RIMS.

The OMB system suggests that estimates cover projections for four years beyond the budget year. The USFS does this through the Chief's Environmental Program for the Future.

This budget planning process is put on computer. The current budget program covers 1976-1980. Several assumptions apply to this particular time span (41).

1. Technological change will continue at its current rate. This should tend to reduce unit costs.
2. Standards, including those for environmental quality, will continue to rise. This will tend to increase unit costs.

3. Updated information will suffice for current estimates of the present outlook.
4. The Washington office will assume that the mix of programs proposed is based upon complete staff review and approval by the Regional Forester, area or Station Director.

Cost guidelines for the program include the cost of planning, the resource system costs, special program costs, state and private forestry costs, research costs, and expanding program costs.

Land and Water Conservation Funds for construction and operation of recreation facilities are as follows with the budget data tabulated in the format of (1973 actual, 1974 estimate, 1975 estimate) in thousands of dollars:

Construction, reconstruction, administration, operation and maintenance of recreation facilities (costs)
(*_____, 3,278, 1,260)

Approximately 65% of the recreation admission and user fees collected are, when appropriate, used to administer, operate, maintain and improve the recreation program in the National Forests (82 Stat. 354; 86 Stat. 459).

Other recreation facility construction funds are found in a construction and land acquisition fund to provide facilities necessary to safely meet increased recreation

*First year funds were appropriated under this Fund.

demand without sacrificing environmental values upon other resource uses of the national forests (8,167, 9,745, 5,946).

USFS breakouts for recreation, fish and wildlife are found in USFS summary data in Figures C.1.4, 5 and 6.

Figure C.1.4 Recreation Use

U.S.O.A.	MISSION - OPERATING GOAL - PROGRAM CODE	A-G-E-N-C-Y	56 FS	LEGISLATION STATUS	G-A-I-E
PROGRAM & FINANCIAL PLAN	7	559			03/C2/74
TOCLAPS IN THOUSANDS)	P-R-O-G-R-A-M T-T-L-E			EXISTING	
	RECREATION USE				
I-T-E-M	ACTUAL * BUDGET	P-R-O-J-E-C-T-I-O-N	P-E-R-I-O-D		
	FY 1972 * FY 1973 * FY 1974 * FY 1975 * FY 1976 * FY 1977 * FY 1978 * FY 1979				
1-F-S-U-L-T-S					
Capacity (PAOT Thousands)					
Campground, picnic ground	539.6	544.0	550.2	550.2	550.2
Swim, boat, and play areas	145.7	168.0	171.0	171.0	171.0
Concessions and permits	633.9	630.0	660.0	660.0	660.0
Total	1,319.8	1,381.2	1,381.2	1,381.2	1,381.2
Visitor Days (Millions)					
Campground, picnic ground	41.4	45.4	45.4	45.4	45.4
Swim, boat and play areas	2.8	3.0	3.0	3.0	3.0
Wilderness	6.4	6.9	7.0	7.0	7.0
Other Dispersed	108.3	114.9	118.0	118.0	118.0
Concessions and permits	23.5	25.6	26.1	26.1	26.1
Visitor centers and related facilities					
Total	182.4	198.2	202.5	202.5	202.5
Admission and user fee receipts (mil.)	83.2	84.1	84.1	84.1	84.1
3-E-S-G-U-R-C-E-S					
USCA PROGRAM LEVEL					
LOAN LEVEL - - - - -					
DIRECT LOANS					
GUARANTEED LOANS					
INSURED LOANS					
GRANTS - - - - -					
GRANT LEVEL					
BUDGET AUTHORITY - - - -					
FEDERAL FUNDS					
TRUST FUNDS					
BUDGET OUTLAYS - - - -					
FEDERAL FUNDS					
TRUST FUNDS					
EMPLOYMENT - - - - -					
MAN YEARS					

Figure C.1.6 Wildlife and Fish Habitat Management

U.S.D.A.	MISSION - OPERATING GOAL - PROGRAM CODE	551	56	FS	A-G-E-N-C-Y
PROGRAM & FINANCIAL PLAN	7	3	551	56	FS
(DOLLARS IN THOUSANDS)	WILDLIFE & FISH HABITAT MANAGEMENT	P-R-O-G-R-A-M T-I-T-L-E	LEGISLATION STATUS	EXISTING	D-A-T-E
1-T-E-M	ACTUAL	ESTIMATE	BUDGET	P-R-O-J-E-C-T-I-O-N	P-E-R-I-O-D
	FY 1972	FY 1973	FY 1974	FY 1975	FY 1976
				FY 1977	FY 1978
					FY 1979
1-E-S-U-L-T-S					

Land treated in which wildlife habitat coordination was planned and used (thousand acres)

Direct habitat development (thousand acres)

2-E-S-U-R-C-E-S	6,501	7,423	9,246	9,580	9,580	9,580	9,580
USDA PROGRAM LEVEL.....							
LOAN LEVEL - - - - -							
DIRECT LOANS.....							
GUARANTEED LOANS.....							
INSURED LOANS.....							
GRANTS - - - - -							
GRANT LEVEL.....							
BUDGET AUTHORITY - - -							
FEDERAL FUNDS.....	6,314	7,857	8,694	9,230	9,230	9,230	9,230
TRUST FUNDS.....							
BUDGET OUTLAYS - - -							
FEDERAL FUNDS.....	6,055	6,724	7,697	9,306	9,306	9,306	9,306
TRUST FUNDS.....							
EMPLOYMENT - - - - -							
MAN YEARS.....	371	380	414	420	420	420	420

g/ Not available.

REFERENCES

1. Forest Service Manual #2300, Recreation Management. Section 2308, Training. October 1967. Amendment No. 20.
2. Forest Service Manual #2300, Recreation Management. Section 2315.31, National Park Service. July 1972. Amendment No. 48.
3. Forest Service Manual #2300, Recreation Management. Section 2315.32, Bureau of Outdoor Recreation. July 1972. Amendment No. 48.
4. Forest Service Manual #2300, Recreation Management. Section 2315.33, Bureau of Reclamation. October 1967. Amendment No. 20.
5. Forest Service Manual #2300, Recreation Management. Section 2315.34, Fish and Wildlife Service. October 1967. Amendment No. 20.
6. Forest Service Manual #2300, Recreation Management. Section 2315.35, Defense. October 1967. Amendment No. 20.
7. Forest Service Manual, #2300, Recreation Management. Section 2315.36, H.E.W.. October 1967. Amendment No. 20.
8. Forest Service Manual, #2300, Recreation Management. Section 2315.37, Bureau Public Roads. October 1967. Amendment No. 20.
9. Forest Service Manual #2300, Recreation Management. Section 2316.14, Water Managing Agencies. October 1967. Amendment No. 20.
10. Forest Service Manual #2300, Recreation Management. Section 2316.15, Public Health and Safety Agencies. October 1967. Amendment No. 21.
11. Forest Service Manual #2300, Recreation Management. Section 2316.16, Cooperative Agreements. October 1967. Amendment No. 20.

12. The Recreation Information Management System - a computer oriented system for the management of information about people, places, and things over periods of time. an In-Service Training Guide. Forest Service. U.S.D.A. Mon. 68, pp. 53.
13. Ibid. pp. 57.
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18. Forest Service Manual, Recreation Management. Section 2340.3, Policies. April 1969. Amendment No. 33.
19. Forest Service Manual, Recreation Management. Section 2345, Recreation Residence Sites. December 1968. Amendment No. 31.
20. Ibid.
21. Forest Service Manual, Recreation Management. Section 2371.01, Authority. July 1969. Amendment No. 38.
22. Forest Service Manual, Recreation Management. Section 2331.24c, Fees. March 1973. Amendment No. 49.
23. Forest Service Manual, Recreation Management, Section 2331.28, Exceptions, Exclusions, and Exemptions. March 1973. Amendment No. 49.
24. Ibid.
25. Ibid.
26. Ibid.

27. Ibid.
28. Forest Service Manual, Recreation Management. Section 2330.3, Policies. January 1969. Amendment No. 32.
29. OMB Release of Agency Budgets for 1975 in summary form. Section on Forest Service. Pub. 1974.
30. Forest Service Manual #2600, Wildlife Management, General Policies, Section 2601.
31. Forest Service Manual #2600, Wildlife Management, Cooperative Agreements, Section 2620.
32. Ibid.
33. Ibid.
34. Ibid.
35. Ibid.
36. Ibid.
37. Ibid.
38. Ibid.
39. Ibid.
40. Ibid.
41. Ibid.
42. Program Planning Guidelines, U.S.F.S. Budget 1976-1980. Pub. July 1974. Draft.

C.2 PROFILE OF NATIONAL PARK SERVICE

The National Park Service (NPS) is charged by law with the responsibility of conserving the scenery and the natural and historic objects and the wildlife in the National Parks and Monuments and other areas it administers and of providing for the enjoyment of them in such manner and by such means as will leave them unimpaired for the enjoyment of future generations (1).

There are more than 298 units in the National Park System. They are classified into four categories: natural, historic, recreational, and cultural. Natural areas are the scenic reservations. Historic areas include sites associated with significant events and personalities such as battlefields, forts, Indian dwellings, and homes of famous Americans. Recreational areas include parkways, reservoirs, seashores, lakeshores and riverways. Cultural areas, the newest classification, are devoted to arts and crafts (2).

A. STATUTORY AUTHORITY AND RESPONSIBILITIES

The basic statutory authority for the NPS is "An Act to Establish a National Park Service, and for other purposes approved 25 August 1916 (39 Stat. 535)". This Act created the NPS within the Department of the Interior, established the basic organization and defined its purpose. "The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (16 USC 1).

In addition to the basic Act, many of the individual parks have entire sets of legislation providing the general conditions and restrictions, providing for property transfers, and providing for other events or activities. This legislation has been compiled and annotated into a four volume set as follows:

1. Laws Relating to the National Park Service, The National Parks and Monuments, Compiled by Hillory A. Tolson, National Park Service, U. S. Department of the Interior, 1933.
2. Laws Relating to the National Park Service, Supp. I, The National Parks and Monuments, Compiled by Thomas Alan Sullivan, National Park Service, U. S. Department of the Interior, 1933.
3. Laws Relating to the National Park Service, Supp. II and Index, The National Parks and Monuments, Compiled by Hillory A. Tolson, National Park Service, U. S. Department of the Interior, 1933.
4. Laws Relating to the National Park Service, Supp. III, the National Parks and Monuments, Compiled by Mrs. Jo Ann West, National Park Service, U. S. Department of the Interior, 1933.

In addition to the basic compilation of legislation, another volume entitled "Proclamations and Orders Relating to the National Park Service (Up to January 1, 1945)" has been compiled by Thomas Alan Sullivan.

As indicated in the index (Supp. II) of the above legislation, the only reference to wildlife programs is contained in the basic legislation establishing the NPS. That par-

ticular section (16 USC 1) has been quoted at the beginning of this section. Subsequent references (from Supp. III) are included with recreation references 7, 8, 9, and 11, below.

Recreation, as such, is not referenced in the organizing act. Subsequent legislation relating to recreation has been as follows:

1. 1936. An Act to authorize a study of the park, parkway, and recreational-area programs in the United States, and for other purposes, approved 13 June 1936 (49 Stat. 1894).
2. 1942. An Act to authorize the disposition of recreational demonstration projects, and for other purposes, approved 6 June 1942 (56 Stat. 326).
(Note: The Recreational Demonstration Areas were transferred from the Resettlement Administration to the Secretary of the Interior by Executive Order No. 7496, 14 November 1936 (1 Fed. Reg. 1946; 16 USC 459r)).
3. 1950. An Act to authorize grantees of recreational demonstration project lands to make land exchanges relating to such properties, and for other purposes, approved 3 August 1950 (64 Stat. 399).
4. 1954. An Act to amend the Recreation Act of 14 June 1926, to include other public purposes and to permit non-profit organizations to purchase or lease public lands for certain purposes, approved 4 June 1954 (68 Stat. 173). (Note: The 14 June 1926 Act (44 Stat. 741; 43 USC 869) was an act to

authorize acquisition or use of public lands by states, counties, or municipalities for recreational purposes).

5. 1959. An Act to amend the Act of 14 June 1926 as amended by the Act of 4 June 1954 (68 Stat. 173; 43 USC 869), approved 21 September 1959 (73 Stat. 571).
6. 1963. An Act to promote the coordination and development of effective programs relating to outdoor recreation, and for other purposes, approved 28 May 1963 (77 Stat. 49).
7. 1964. An Act to establish a land and water conservation fund to assist the states and federal agencies in meeting present and future outdoor recreation demands and needs of the American people and for other purposes, approved 3 September 1964 (78 Stat. 897), as amended by 82 Stat. 354 (15 July 1968), 84 Stat. 410 (7 July 1970), 84 Stat. 1034 (22 October 1970), and 86 Stat. 459 (11 July 1972).
8. 1964. An Act to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes, approved 3 September 1964 (78 Stat. 890).
9. 1965. An Act to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes, approved 9 July 1965 (79 Stat. 213). (Note: Federal Water Project Recreation Act, PL 89-72).

10. 1968. An Act to establish a national trails system, and for other purposes, approved 2 October 1968 (82 Stat. 919).
11. 1968. An Act to provide for a National Wild and Scenic Rivers System, and for other purposes, approved 2 October 1968 (82 Stat. 906).

The above authorities for recreation and fish and wildlife enhancement are from the "General" classification of National Park Service Laws referenced earlier. The special legislation for specific parks and activities may contain individual requirements for recreation and fish and wildlife enhancement.

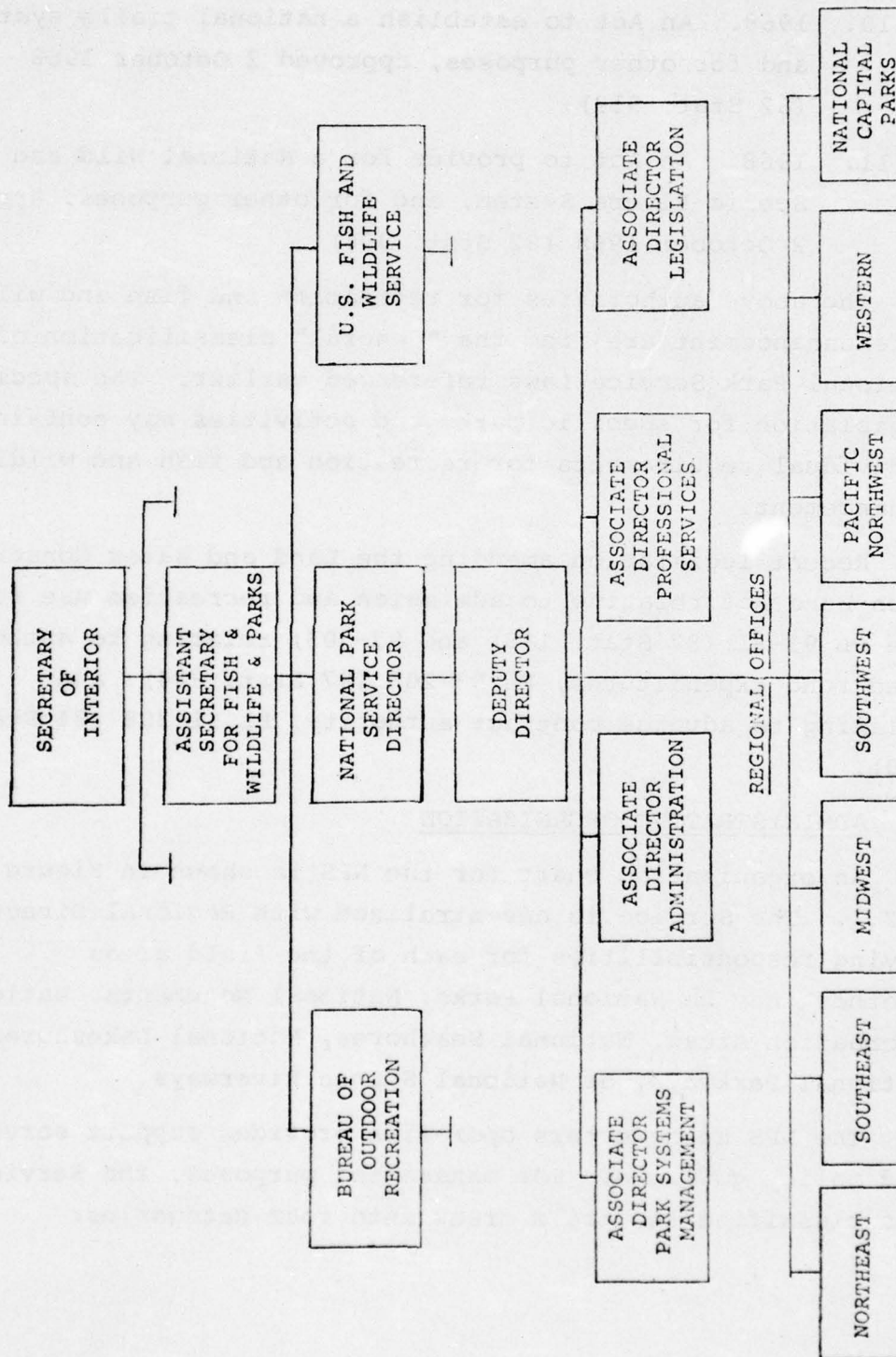
Recent legislation amending the Land and Water Conservation Fund Act relating to admission and recreation use fees are PL 93-81 (87 Stat. 178) and 93-303; relating to authorized fund expenditures, PL 93-205 (87 Stat. 884); and relating to advance contract authority, PL 91-308 (84 Stat. 410).

B. ADMINISTRATIVE ORGANIZATION

An organization chart for the NPS is shown in Figure C.2.1. The Service is decentralized with Regional Directors having responsibilities for each of the field areas whether they be National Parks, National Monuments, National Recreation Areas, National Seashores, National Lakeshores, National Parkways, or National Scenic Riverways.

The NPS headquarters operation provides support services and policy guidance. For management purposes, the Service has classified the field areas into four categories:

Figure C.2.1 Organization Chart for National Park Service



1. Natural Areas
 - National Parks
 - National Monuments of Scientific Significance
2. Historic Areas
3. Recreation Areas
 - National Recreation Areas
 - National Seashores
 - National Lakeshores
 - National Parkways
 - National Scenic Riverways
4. Cultural Areas
 - Wolf Trap Farm

For purposes of administration, the NPS issued a series of administrative handbooks covering the first three categories:

- Administrative Policies for Natural Areas of the National Park System (Revised 1970);
- Administrative Policies for Historical Areas of the National Park System (Revised 1973); and
- Administrative Policies for Recreation Areas of the National Park System (Revised 1968).

Wolf Trap Farm is the only field area presently classified in the cultural areas category and no administrative handbook has been issued.

The administrative handbooks cover the management principles in terms of resource management, resource use, and physical development for each of the categories. The functional subjects of recreation and fish and wildlife are

separately addressed in terms of resource use for each category. The basic information has been summarized or extracted for this section.

1. Natural Areas

Following are the management principles set forth for the natural areas of the National Park System.

"Resource management. The management and use of natural areas shall be guided by the 1918 directive of Secretary Lane (See Attachment C.2.A). Additionally, management shall be directed toward maintaining, and where necessary, reestablishing indigenous plant and animal life, in keeping with the March 4, 1963, recommendations of the Advisory Board on Wildlife Management.

In those areas having significant historical resources, management shall be patterned after that of the historical areas category to the extent compatible with the primary purpose for which the area was established.

Resource use will provide for all appropriate use and enjoyment by the people that can be accommodated without impairment of the natural values. Park management shall recognize and respect wilderness as a whole environment of living things whose use and enjoyment depend on a continuing interrelationship free of man's spoliation.

Physical developments shall be limited to those that are necessary and appropriate, and provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that the least damage to park values will be caused. Location, design, and material, to the highest practicable degree, shall be consistent with the preservation and conservation of the grandeur of the natural environment (3).

The administrative policies that guide the NPS in following the management principles for fish and wildlife management state: "Sport fishing is encouraged in natural

areas when consistent with the restoration and perpetuation of the natural aquatic environments and the natural aquatic life. Commercial fishing is permitted only when specifically authorized by law."

"Where fishing is permitted, such fishing shall be carried out in accordance with applicable state laws and regulations, unless exclusive jurisdiction, as that term is defined in the Secretary's policy statement of 17 June 1968, has been ceded within the area, and a state license or permit shall be required for such fishing unless otherwise provided by law" (4).

The specific policy concerning wildlife populations is: "Wildlife population will be controlled when necessary to maintain the health of the species, the native environment, and the scenic landscape, and to safeguard public health and safety. Ungulate populations will be maintained at the level that the range will carry in good health and without impairment of the soil, the vegetation, or to habitats of the several species in an area" (5). Also, "Insofar as possible, control through natural predation will be encouraged" (5).

Wildlife control measures are also covered, with public hunting outside the area as the next preferred means of control after natural predation. Other control measures, as necessary, include: (1) live-trapping in the areas for transplanting elsewhere; (2) research specimens for National Park Service and Cooperating Scientists; and (3) direct reduction by National Park Service personnel. Public hunting is not permitted in natural areas.

The administrative policies that guide the Service in following the management principles for recreation activities in natural areas state:

"In natural areas, outdoor recreation activities, such as hiking, mountain climbing, bicycling, horseback riding, sightseeing, water-oriented activities, winter-use activities, nature observation, photography, camping, picnicking, and similar activities that can be accommodated without material alteration or disturbance of environmental characteristics or the introduction of undue artificiality into a natural environment are to be encouraged, and provision shall be made to facilitate public participation in them. Water-oriented recreation activities shall be governed by applicable Federal, State, and local laws and regulations. Vessels that are to be used as residential facilities may not be placed on waters under the jurisdiction of the Service in natural areas" (6).

2. Historical Areas

The management principles for the historical areas of the National Park System were set forth in a memorandum of the Secretary of Interior on 10 July 1964 as follows:

"Resource Management: Management shall be directed toward maintaining and where necessary restoring the historical integrity of structures, sites and objects significant to the commemoration or illustration of the historical story.

Resource Use: Visitor uses shall be those which seek fulfillment in authentic presentations of historic structures, objects and sites, and the memorialization of historic individuals or events. Visitor use of significant natural resources should be encouraged when such use can be accommodated without detriment to historical values.

Physical Developments: Physical developments shall be those necessary for achieving the management and use objectives" (7).

The administrative policies that guide the Service in following the management principles for fish and wildlife in historical areas are basically the same as those previously listed for the natural areas. In addition, however, the administrative handbook quotes from regulations issued by the Secretary of Interior on 10 September 1970 as follows:

"The Secretary of the Interior recognizes that fish and wildlife resources must be maintained for their aesthetic, scientific, recreation, and economic importance to the people of the United States, and that because fish and wildlife populations are totally dependent upon their habitat, the several States and the Federal Government must work in harmony for the common objective of developing and utilizing these resources. It is the policy of the Secretary of the Interior further to strengthen and support, to the maximum extent possible, the missions of the States and the Department of the Interior in the attainment of this objective.

The effective husbandry of such resources requires the cooperation of State and Federal governments because:

(a) The several States have the authority to control and regulate the capturing, taking, and possession of fish and resident wildlife by the public within State boundaries;

(b) The Congress, through the Secretary of the Interior, has authorized and directed to various Interior agencies certain responsibilities for the conservation and development of fish and wildlife resources and their habitat.

Accordingly, the following procedures will apply to all areas administered by the Secretary of the Interior through the National Park Service,

Bureau of Sport Fisheries and Wildlife, Bureau of Land Management, and Bureau of Reclamation (hereinafter referred to as the Federal agencies). These Federal agencies will:

1. Within their statutory authority, institute fish and wildlife habitat management practices in cooperation with the States which will assist the States in accomplishing their respective, comprehensive, statewide resource plans;
2. Permit public hunting, fishing, and trapping within statutory limitations and in a manner compatible with the primary objectives for which the lands are administered. Such hunting, fishing, and trapping and the possession and disposition of fish, game, and fur animals shall be conducted in all other respects within the framework of applicable State laws, including requirements for the possession of appropriate State licenses or permits. The Federal agencies may, after consultation with the States, close all or any portion of land under their jurisdiction to public hunting, fishing, or trapping in order to protect the public safety, to prevent damage to Federal lands or resources thereon, and may impose such other restrictions as are necessary to comply with management objectives;
3. Consult with the States and comply with State permit requirements in connection with the activities listed below, except in instances where the Secretary of the Interior determines that such compliance would prevent him from carrying out his statutory responsibilities:
 - (a) In carrying out research programs involving the capturing, taking, or possession of fish and wildlife or programs involving introduction of fish and wildlife;
 - (b) For the planned and orderly removal of surplus or harmful populations of fish and wildlife except where emergency situations requiring immediate action make such consultation and compliance with State permit requirements infeasible;

(c) In the disposition of fish and wildlife taken under (a) or (b) as provided above.

4. Exempted from this regulation are the following:

(a) The control and regulation by the United States, in the area in which an international convention or treaty applies, of the taking of those species and families of fish and wildlife expressly named or otherwise covered under any international treaty or convention to which the United States is party;

(b) Any species of fish and wildlife control over which has been ceded or granted to the United States by any State;

(c) Areas over which the States have ceded exclusive jurisdiction to the United States.

5. Nothing contained herein shall be construed as permitting public hunting, fishing, or trapping on national parks, monuments or historic areas of the National Parks System, except where Congress or the Secretary of the Interior has otherwise declared that hunting, fishing, or trapping is permissible.

6. The Federal agencies and States will enter into written cooperative agreements containing the plans, terms, and conditions of each party in carrying out the intent of this regulation when such agreements are desired by the States. Such agreements will be reviewed periodically by both parties and, when appropriate, adjusted to reflect changed conditions" (8).

The administration policies relating to recreation in historical areas are somewhat more restricted, especially as they relate to camping, than the policies for natural areas. The basic policy follows:

"Appropriate visitor use includes not only interpretation of an area's historical significance, but appreciation and enjoyment of the historic

setting which may provide appropriate outdoor recreational opportunities. Recreational activities which facilitate visitor enjoyment of the primary resources of the area, or are inspired by its historical character and features, are to be encouraged and facilities provided for them to the extent that they do not adversely affect the integrity of the historical resources of the area or the primary visitor use of the area. Examples of appropriate outdoor recreational uses are sightseeing, hiking, photography, bicycling, picnicking, horseback riding, and fishing. Moreover, some areas offer additional outdoor recreational opportunities not associated with or inspired by the historical significance of the area, such as water-oriented recreation and organized competitive sports, i.e., swimming, baseball, etc. These activities, also, are encouraged and facilities provided for them to the extent they do not adversely affect the integrity of the historical resources of the area or the primary visitor use of the area. Boats used for residential purposes, either permanently or for extended periods, are not permitted" (9).

It is indicated that camping accommodations, facilities, and services should not be provided within a historical area if they are available in the vicinity or if it is feasible for them to be developed by other Government agencies or private enterprise in the vicinity.

3. Recreation Areas

Management principles for the recreation area category of the National Park System were set forth in the Secretary's 10 July 1964 memorandum as follows:

"Resource Management: Outdoor recreation shall be recognized as the dominant or primary resource management objective. Natural resources within the area may be utilized and managed for additional purposes where such additional uses are compatible with fulfilling the recreation mission

of the area. Scenic, historical, scientific, scarce, or disappearing resources within recreational areas shall be managed compatible with the primary recreation mission of the area.

Resource Use: Primary emphasis shall be placed on active participation in outdoor recreation in a pleasing environment.

Physical Developments: Physical developments shall promote the realization of the management and use objectives. The scope and type of developments, as well as their design, materials, and construction, shall enhance and promote the use and enjoyment of the recreational resources of the area" (10).

The administrative policies that guide the Service in following the management principles for fish and wildlife in recreational areas are basically the same as those for the natural areas and the historical areas except that hunting is permitted. The Secretary of the Interior issued a policy statement on 17 June 1968 in connection with fishing and hunting on lands administered by certain Bureaus of the Department (including the NPS):

"A. In all areas administered by the Secretary of the Interior through the National Park Service, the Bureau of Sport Fisheries and Wildlife, the Bureau of Land Management, and the Bureau of Reclamation, except the National Parks, the National Monuments, and historic areas of the National Park System, the Secretary shall --

1. Provide that public hunting of resident wildlife and fishing shall be permitted within statutory limitations in a manner that is compatible with, and not in conflict with, the primary objectives as declared by the Congress for which such areas are reserved or acquired;

2. Provide that public hunting, fishing, and possession of fish and resident wildlife shall be in accordance with applicable State laws and regulations, unless the Secretary finds, after consultation with appropriate State fish and game departments, that he must close such areas to such hunting and fishing or restrict public access thereto for such purposes;

3. Provide that a State license or permit, as provided by State law, shall be required for the public hunting, fishing, and possession of fish and resident wildlife on such areas;

4. Provide for consultation with the appropriate State fish and game department in the development of cooperative management plans for limiting over-abundant or harmful populations of fish and resident wildlife thereon, including the disposition of the carcasses thereof, and, except in emergency situations, secure the State's concurrence in such plans; and

5. Provide for consultation with the appropriate State fish and game department in carrying out research programs involving the taking of fish and resident wildlife, including the disposition of the carcasses thereof, and secure the State's concurrence in such programs.

B. In the case of the National Parks, National Monuments, and historic areas of the National Park System, the Secretary shall --

1. Provide, where public fishing is permitted, that such fishing shall be carried out in accordance with applicable State laws and regulations, unless exclusive legislative jurisdiction* has been ceded

*The term "exclusive legislative jurisdiction" is applicable to situations wherein the federal government has received, by whatever method, all the authority of the state, with no reservation made to the state except the right to serve process resulting from activities which occurred off the land involved. This

for such areas, and a State license or permit shall be required for such fishing, unless otherwise provided by law;

2. Prohibit public hunting; and

3. Provide for consultation with appropriate State fish and game departments in carrying out programs of control of overabundant or otherwise harmful populations of fish and resident wildlife, including the disposition of carcasses therefrom.

In any case where there is a disagreement, such disagreement shall be referred to the Secretary of the Interior who shall provide for a thorough discussion of the problems with representatives of the State fish and game departments and the National Park Service for the purpose of resolving the disagreement" (11).

The administrative policies for recreation in the recreation areas of the NPS are quite broad, "A wide range of recreational uses, facilitated by varying kinds of development and management techniques, will be encouraged" (12).

The recreational activities specifically mentioned include:

1. Information and Interpretation
2. Education
3. Interpretive Trails
4. Outdoor Sports
5. Spectator Sports and Special Events
6. Programs for Youth
7. Collecting Without Permits

term is applied notwithstanding that the state may exercise certain authority over the land, as may other states over land similarly situated, in consonance with the several federal statutes. The term is also sometimes referred to as "partial jurisdiction".

8. Collecting by Permit
9. Cultural Programs
10. Water-Oriented Recreation

The management principles and administrative policies discussed are the guidelines under which the Regional Directors and the field area (Park Recreation Area, Historical Area, etc.) Directors operate. Each has a great deal of latitude for specific programs not inconsistent with those principles and policies.

The Regional Directors are the managing operators of the NPS field areas. The Regions are:

NORTHEAST - Maine, Vermont, New Hampshire, Connecticut, Delaware, Massachusetts, New York, New Jersey, Rhode Island, Maryland, Pennsylvania, West Virginia, Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio.

134 S. Third Street
Philadelphia, PA 19106

SOUTHEAST - Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Puerto Rico.

3401 Whipple Street
Atlanta, GA 33044

MIDWEST - Montana, North Dakota, South Dakota, Wyoming, Nebraska, Iowa, Utah, Colorado, Kansas, Missouri.

1709 Jackson Street
Omaha, Nebraska 18102

SOUTHWEST - New Mexico, Texas, Oklahoma, Arkansas, Louisiana.

Box 728
Santa Fe, New Mexico 87501

PACIFIC NORTHWEST - Alaska, Idaho, Oregon, Washington.

Fourth and Pike Building
Seattle, Washington 98101

WESTERN - California, Nevada, Arizona, Hawaii.

450 Golden Gate Avenue
San Francisco, CA 94102

NATIONAL CAPITAL PARKS

1100 Ohio Drive, S.W.
Washington, D. C. 20242

Each Regional Director may have a multiplicity of field areas including some in each of the categories previously discussed. He is responsible for supervision of the areas within the Region and generally provides a support organization similar to the organization that exists at National Park Service Headquarters in Washington.

Other general policies that cut across organizational lines and functional classifications are administered in the Regions. One particularly important policy concerns concessions which are separately discussed following.

4. Concessions

The NPS provides a long history of recreation related concessions. In the Act establishing the NPS, the Secretary of the Interior was given the authority to "... grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding (twenty) thirty years; ..." The judicial interpretations of this authority, however, limited the National Park Service activities eventually resulting in new legislation.

The basis statute governing current concession policies of the NPS was approved 9 October 1965 and is entitled "An Act Relating to the Establishment of Concession Policies in the Areas Administered by National Park Service and for Other Purposes" (79 Stat. 969). This Act directs the Secretary to "... take such action as may be appropriate to encourage and enable private persons and corporations (hereinafter referred to as "concessioners") to provide and operate facilities and services which he

deems desirable for the accommodation of visitors in areas administered by the National Park Service".

The Secretary is given the authority to negotiate concession contracts without following the usual Government bidding procedure. However, when it has been determined that a concession is necessary and desirable to provide for the needs of visitors or when it becomes necessary to secure a new concessioner for an existing concession, a prospectus is normally issued for the information of all persons known to be interested in providing such a concession. A standard application form for parties interested in providing concessions is used to maintain a qualified suppliers file.

As of February 1974, 79 National Parks, National Recreation Areas, National Monuments, Parkways, National Seashores, National Historic Sites, and National Scenic Riverways had concessioners furnishing accommodations and services.

The basic franchise fee formula for concession permits is applied to gross receipts as follows:

1. Food, lodging and saddle horses. . . . 3/4 of 1%
2. Grocery or general stores, alcoholic beverages, vending machine sales, newstands, snack bars, soda fountains, marinas, boat rental and sales, fishing camps and other type service operations 1 1/2%
3. Gasoline, transportation and photographic supplies and services. 3%
4. All souvenir and curio sales, excluding genuine Indian and native handicraft . . . 5%

In order to encourage the sale of genuine Indian and Native handicraft, there are no franchise fees on these items (13).

The Concession Policies Act (79 Stat. 969) sets the guidelines for franchise fees as follows:

"(d) Franchise fees, however stated, shall be determined upon consideration of the probable value to the concessioner of the privileges granted by the particular contract or permit involved. Such value is the opportunity for net profit in relation to both gross receipts and capital invested. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving the areas and of providing adequate and appropriate services for visitors at reasonable rates. Appropriate provisions shall be made for reconsideration of franchise fees at least every five years unless the contract is for a lesser period of time." (Emphasis added)

In those instances where gross receipts are in excess of \$5,000, the Secretary, through the National Park Service, reviews and approves rates. The basic criteria, from the Concession Policies Act, follow:

"(c) The reasonableness of a concessioner's rates and charges to the public shall, unless otherwise provided in the contract, be judged primarily by comparison with those current for facilities and services of comparable character under similar conditions, with due consideration for length of season, provision for peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the Secretary" (14).

C. BUDGETING, SOURCE OF FUNDS, AND UNIT COSTS

The NPS budget is an incremental budget beginning with the prior year's base and justifying the increase or decrease

to continuing programs. New programs are based upon initial operating authority or justifications.

The basic program structure of the NPS budget is shown in Figure C.2.2 for fiscal year 1973. Beginning in 1974, however, the park management function was shown in two parts, the Operation of the National Park System (ONPS) and the operating portion of the Planning, Development and Operation of Recreation Facilities (RF). The RF portion is that portion mandated by the Land and Water Conservation Fund Act, as amended by PL 92-347, to require that admission and recreation use fees be "covered into a special account in the Treasury of the United States to be administered in conjunction with, but separate from, the revenues in the Land and Water Conservation Fund". Those revenues, which in fact determine the appropriation, are available for appropriation for any authorized outdoor recreation function of the agency by which the fees were collected.

The NPS Headquarters sets the broad programs within which the Recreation Facility appropriations will be spent and actual administration and detail allocation is made in the Regional Office or at the Park level. For fiscal year 1974, the RF fund had 30 months' revenue (6 months of FY 72, all of FY 73, and projected FY 74 revenues) so the estimated expenditures of \$32.9 million were significantly greater on the land and structures item. The three programs set forth in the NPS for FY 1974 were:

1. Enhancement of fee collection systems (limited by law to not more than 40% of fund) \$ 6,000,000

Figure C.2.2 NPS Budget Structure For Fiscal Year 1973

Appropriation, Activity, and Subactivity	Fiscal 1973	Fiscal 1973 Supplementals 1/		Total available
	Appropriation	1st	2nd	Fiscal 1973
MANAGEMENT AND PROTECTION:				
1. Management of park and other areas:				
(a) National parks, monuments, etc.	\$75,988,300 a/		\$1,442,000	\$77,430,300
(b) Concessions management	459,300			459,300
(c) Informational publications	1,261,600			1,261,600
(d) Employees' compensation fund payments	380,800			380,800
(e) Roosevelt Campobello Int. Pk. Commission	150,000			150,000
Subtotal	78,240,000		1,442,000	79,682,000
2. Forestry and fire control:				
(a) Forest management	338,000			338,000
(b) Fire protection service	2,080,600			2,080,600
(c) Forest fire suppression and rehabilitation of burned areas	700,000			700,000
Subtotal	3,118,600			3,118,600
3. Park and recreation programs:				
(a) Cooperative activities:				
National park system plan	166,600			166,600
Landmarks and master planning	2,059,100			2,059,100
Landmarks	(444,400)			(444,400)
Master planning	(1,614,700)			(1,614,700)
Wilderness Act implementation	412,600			412,600
Federal agency and state assistance	2,722,600			2,722,600
Subtotal, Cooperative Activities	5,360,900			5,360,900
(b) Land and water resource studies:				
Land use studies	488,800			488,800
Water resource studies	328,600			328,600
Subtotal, Land & water resource studies	817,400			817,400

^{a/} Excludes appropriation transfer to GSA for \$252,000 for space rental.

^{1/} See attachment to Progress Chart (beginning on page 5) for Detail of Supplementals.

Figure C.2.2 (Cont'd)

Appropriation, Activity, and Subactivity	Fiscal 1973 Appropriation	Fiscal 1973 Supplementals 1/ 2nd	Total available Fiscal 1973
MANAGEMENT AND PROTECTION (continued)			
3. Park and recreation programs (continued)			
(c) New area studies	557,900		557,900
(d) South Florida environmental study	1,074,200		1,074,200
Subtotal	7,810,400		7,810,400
Total	89,169,000 a/	1,442,000	90,611,000
MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES			
1. Roads and trails	\$23,465,700	\$831,000	\$24,296,700
2. Buildings, utilities and other facilities	49,846,300	1,767,000	51,613,300
Total	73,312,000	2,598,000	75,910,000
GENERAL ADMINISTRATIVE EXPENSES			
1. Departmental expenses	\$2,237,000		\$2,237,000
2. Regional office expenses	1,903,000		1,903,000
Total	4,140,000		4,140,000
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS		\$2,000,000	\$2,000,000
PRESERVATION OF HISTORIC PROPERTIES			
1. Historic preservation and special studies	\$7,505,000		\$7,505,000
(a) Grants-in-aid	858,400		858,400
(b) Maintenance of the national register and administration of the grants-in-aid program	294,700		294,700
(c) Advisory council on historic pres. support ...	343,200		343,200
(d) Historic sites survey	400,200		400,200
(e) Historic American Buildings Survey	209,600		209,600
(f) Historic American Engineering Record	1,745,900		1,745,900
(g) Archeological investigations and salvage	(71,600)		(71,600)
Administrative and technical support	11,559,000		11,559,000
Total			

Figure C.2.2 (Cont'd)

Appropriation, Activity, and Subactivity	Fiscal 1973 Appropriation	Fiscal 1973 Supplementals 1/ 2nd		Total available Fiscal 1973
		1st	2nd	
CONSTRUCTION				
1. Buildings, utilities and other facilities	\$42,221,000	\$350,000	\$3,100,000	\$45,671,000
2. Acquisition of:				
Lands	--			--
Water rights	480,000			480,000
Total	42,701,000	350,000	3,100,000	46,151,000
PARKWAY AND ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)				
Contract Authority (Advanced 1 year):				
1. Parkways	--			--
2. Roads and trails	--			--
Total	--			--
Obligational Program:				
1. Parkways	\$4,444,000			\$4,444,000
2. Roads and trails	17,972,000			17,972,000
Total, Program	22,416,000			22,416,000
Cash (Parkways & Roads & trails) Total	\$9,416,000			\$9,416,000
GRAND TOTAL:				
BUDGET AUTHORITY (includes Contract Authority)	\$220,881,000	\$2,350,000	\$7,140,000	\$230,371,000
PROGRAM Obligations)	243,297,000	2,350,000	7,140,000	252,787,000
APPROPRIATION (Cash)	226,297,000	2,350,000	7,140,000	235,787,000
TRUST FUNDS				
1. National Park Service, donations	\$2,997,460			\$2,997,460
2. Preservation, birthplace of Abraham Lincoln, National Park Service	2,540			2,540
3. Jefferson National Expansion Memorial, contributions	--			--
Total	3,000,000			3,000,000

Figure C.2.2 (Cont'd)

Appropriation, Activity, and Subactivity	Fiscal 1973 Appropriation	Fiscal 1973 Supplementals ^{1/} 1st 2nd	Total available Fiscal 1973
NISQUALLY PERMANENT APPROPRIATIONS			
1. Receptor expenses, children of employees, Yellowstone NP	\$305,000		\$305,000
2. Payment of tax losses on land acquired for Grand Teton NP	21,000		21,000
3. Operation, management, maintenance & demolition of federally acquired property, Independence NHP	10,000		10,000
Total	336,000		336,000
TRANSFER FUNDS:			
UPPER COLORADO RIVER BASIN FUND (RECLAMATION)	\$420,000		\$420,000
LAND AND WATER CONSERVATION (BOR)	\$76,871,000		\$76,871,000
FOREST PROTECTION AND UTILIZATION (FOREST SERVICE)			
White pine blister rust control	\$133,000		\$133,000
Forest pest control	103,000		103,000
Total	236,000		236,000

Figure C.2.2 (Cont'd)

(Supplement to show detail of Fiscal 1973 Supplementals)		Amount
<u>Appropriation, Activity, and Detail of Supplemental</u>		
<u>First Supplemental FY 1973</u>		
<u>JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS</u>		\$2,000,000
<u>CONSTRUCTION</u>		
1. Buildings, utilities and other facilities:		
Mount McKinley - temporary facilities and planning for alternate		
site for hotel partially destroyed by fire		350,000
Total, 1st Supplemental		2,350,000
<u>Second Supplemental FY 1973</u>		
<u>MANAGEMENT AND PROTECTION</u>		
1. Management of park and other areas		
(a) National parks, monuments, etc.		
Park Police pay increase		\$1,442,000
<u>MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES</u>		
1. Roads and trails		
Wage board pay increase		831,000
2. Buildings, utilities and other facilities		
Wage board pay increase		1,767,000
Subtotal		2,598,000
<u>CONSTRUCTION</u>		
1. Buildings, utilities and other facilities		
Indiana Dunes NL - correction of beach erosion (Storm Damage)		3,100,000
[Congressional Add-on]		
Total, 2nd Supplemental		\$7,140,000
Total, FY 1973 Supplementals		\$9,490,000

2. Funding for transportation systems (operation of pilot programs to limit use of private transportation within parks)	2,400,000
plus funds for additional trans- portation studies	2,000,000
3. Lands and structures	18,000,000
plus related (primary A & E) contracts	<u>4,525,000</u>
Total	\$32,925,000

The above activities were to be staffed with 125 full time positions and 250 man years of other than permanent employment for enhancement of fee collection systems (item 1) and 5 permanent positions for the operation of transportation systems (item 2). The remainder was to be handled by contractual operations.

For FY 1975, the total revenue was estimated at about \$11.9 million and the former major expense item of lands and structures was down from \$22.5 million to about \$1.3 million. The other programs were continuing at about their prior levels.

The recreation and fish and wildlife functions of the ONPS appropriation are not separately stated but are a part of the broader purpose of the NPS personnel of conserving scenery, natural and historical objects, and the wildlife in the National Parks. It was pointed out that the educational base of Park Rangers covers a broad range of skills from naturalists to biologists to law enforcement and many others. Rangers undergo additional on-the-job training and each is considered capable of attending to the day-to-day recreation and fish and wildlife activities of the Parks.

D. PAYMENTS IN LIEU OF TAXES

There are only two instances where payments are made to local governments. One is the educational expense allowance made to the local governments for the children of employees at Yellowstone National Park. This amounted to \$305,000 in 1973. This payment, although referred to as an in-lieu payment by some NPS personnel, is more in the category of a special grant-in-aid related to the people employed at the property rather than the property itself.

The other payment is a payment to the State of Wyoming for tax losses on land acquired for Grand Teton National Park.

Each of the above is authorized by special Act of Congress. The Yellowstone authorization is 62 Stat. 338 and the Grand Teton authorization is 64 Stat. 851. In both instances, the revenue to make the payments consists of the short-term recreation fees (daily type charges as opposed to the Golden Eagle permit) collected at the Park.

E. ADMINISTRATION OF FEES AND CHARGES

The authorization for, and the extent of admission fees and recreation use fees at Federal projects, is generally contained in the Land and Water Conservation Fund Act of 1965 (PL 88-578), as amended. It has been amended several times in the last two years, the last amendment being PL 93-303, approved 7 June 1974. In its present form, Section 4(a) covering admission fees reads as follows: "Entrance or admission fees shall be charged only at designated units of the National Park System

administered by the Department of the Interior and National Recreation Areas administered by the Department of Agriculture. No admission fees of any kind shall be charged or imposed for entrance into any other Federally owned areas which are operated and maintained by a Federal agency and used for outdoor recreation." This does not require the levying of an admission fee but the National Park Service does have an admission fee schedule at most of its developed areas.

Recreation use charges are governed by Section 4(b) which reads as follows:

"Each federal agency developing, administering, providing or furnishing at federal expense, specialized outdoor recreation sites, facilities, equipment, or services shall, in accordance with this subsection and subsection (d) of this section provide for the collection of daily recreation use fees at the place of use or any reasonably convenient location: Provided that in no event shall there be a charge by any such agency for the use, either singly or in any combination, of drinking water, wayside exhibits, roads, overlook sites, visitors' centers, scenic drives, toilet facilities, picnic tables, or boat ramps: Provided, however, that a fee shall be charged for boat launching facilities only where specialized facilities or services such as mechanical or hydraulic boat lifts or facilities are provided: And provided further, That in no event shall there be a charge for the use of any campground not having the following - tent or trailer spaces, drinking water, access road, refuse containers, toilet facilities, personal collection of the fee by an employee or agent of the Federal agency operating the facility, reasonable visitor protection, and simple devices for containing a campfire (where campfires are permitted). At each lake or reservoir under the jurisdiction of the Corps of Engineers, United States Army, where camping is permitted,

such agency shall provide at least one primitive campground, containing designated campsites, sanitary facilities, and vehicular access, where no charge shall be imposed. Any Golden Eagle passport permittee shall be entitled upon presentation of such permit to utilize such special recreation facilities at a rate of 50 per centum of the established use-fee" (15).

In Subsection (e) of the amended act, authority is provided to prescribe rules and regulations as follows:

"In accordance with the provisions of this section, the heads of appropriate departments and agencies may prescribe rules and regulations for areas under their administration for the collection of any fee established pursuant to this section" (16).

The NPS, its Regional offices, and Park Superintendents establish recreation use fee schedules which are as nearly as possible compatible with similar private, commercial activities in the general area. They evaluate the impact of the admission fee (which may not be charged at commercial activities) in determining comparable use charges.

The fees charged by concessioners are separately established but are subject to approval by the NPS. This process is covered in the discussion on concessions, but the general principle of comparable use charges consistent with reasonable opportunity to make a profit is followed.

F. AUTHORITY TO ACQUIRE LAND FOR RECREATION PURPOSES AND TO LEASE LAND AND/OR FACILITIES

There is no general authority for the NPS or the Secretary of the Interior to acquire or dispose or lease park lands. The authorities for land acquisition and disposal or leasing are contained in the specific legislation for each area in the system. Recent legislation (since

about 1960) has been very thorough and sometimes sets limits in terms of size and acquisition dollar costs. Procedures for each park are sufficiently different to prevent any generalization of policies or practices.

The individual park legislation prior to about 1960 was not always complete. The courts have generally held that when an Act is silent, i.e., in the absence of prohibition to acquire land and subject to the availability of funds, the NPS may acquire lands within the general description set forth for a specific park. In some instances, lands (or additional lands) may be acquired only through donation or with donated funds. In other instances there are specific prohibitions on methods of acquisition.

The NPS is exempt from the provisions of the Real Property and Administrative Services Act of 1949 which governs the disposition of surplus property for most government agencies. With the exception of some limited property exchange authority contained in the Land and Water Conservation Fund Act of 1968, the NPS must have a specific Act of Congress to dispose of property. Even some military land ("Army wood lots" originally purchased by the War Department for wood fuel supplies) that was transferred to the NPS required a special Act of Congress for disposition.

Administrative and judicial decisions have limited the authority of the NPS and the Secretary of the Interior to enter into leases. This caused a rather complex and complete special use permit and concessions policy to develop for the various Park areas. As long as the concessions policy was not contrary to the general purposes of

the specific enabling legislation, it was sustained. Concessions are now the key to private individual use and the statutory policies have been set forth in the Concession Policies Act of 1965 (79 Stat. 969). Concessions have been previously discussed under Administrative Organization.

ATTACHMENT C.2.A

**UNITED STATES
DEPARTMENT OF THE INTERIOR
Washington, D.C.**

May 13, 1918

Mr. Stephen T. Mather
Director
National Park Service

Dear Mr. Mather:

The National Park Service has been established as a bureau of this Department just one year. During this period our efforts have been chiefly directed toward the building of an effective organization while engaged in the performance of duties relating to the administration, protection, and improvement of the national parks and monuments, as required by law. This constructive work is now completed. The New Service is fully organized; its personnel has been carefully chosen; it has been conveniently and comfortably situated in the new Interior Department Building; and it has been splendidly equipped for the quick and effective transaction of its business.

For the information of the public, an outline of the administrative policy to which the new Service will adhere may now be announced. This policy is based on three broad principles: First, that the national parks must be maintained in absolutely unimpaired form for the use of future generations as well as those of our own time; second, that they are set apart for the use, observation, health, and pleasure of the people; and third, that the national interest must dictate all decisions affecting public or private enterprise in the parks.

Every activity of the Service is subordinate to the duties imposed upon it to faithfully preserve the parks for posterity in essentially their natural state. The commercial use of these reservations, except as specially authorized by law, or such as may be incidental to the accommodation and entertainment of visitors, will not be permitted under any circumstances.

In all of the national parks except Yellowstone you may permit the grazing of cattle in isolated regions not frequented by visitors, and where no injury to the natural features of the parks may result from such use. The grazing of sheep, however, must not be permitted in any national park.

From Law Relating to the National Park Service,
The National Parks and Monuments, Compiled by Hillory
A. Tolson, NPS, U. S. Department of the Interior, 1933.

In leasing lands for the operation of hotels, camps, transportation facilities, or other public service under strict Government control, concessioners should be confined to tracts no larger than absolutely necessary for the purpose of their enterprises.

You should not permit the leasing of park lands for summer homes. It is conceivable, and even exceedingly probable, that within a few years under a policy of permitting the establishment of summer homes in national parks, these reservations might become so generally settled as to exclude the public from convenient access to their streams, lakes, and other natural features, and thus destroy the very basis upon which this national playground system is being constructed.

You should not permit the cutting of trees except where timber is needed in the construction of buildings or other improvements within the park and can be removed without injury to the forests or disfigurement of the landscape, where the thinning of forests or cutting of vistas will improve the scenic features of the parks, or where their destruction is necessary to eliminate insect infestations or diseases common to forests and shrubs.

In the construction of roads, trails, buildings, and other improvements, particular attention must be devoted always to the harmonizing of these improvements with the landscape. This is a most important item in our program of development and requires the employment of trained engineers who either possess a knowledge of landscape architecture or have a proper appreciation of the esthetic value of park lands. All improvements will be carried out in accordance with a preconceived plan developed with special reference to the preservation of the landscape, and comprehensive plans for future development of the national parks on an adequate scale will be prepared as funds are available for this purpose.

Wherever the Federal Government has exclusive jurisdiction over national parks, it is clear that more effective measures for the protection of the parks can be taken. The Federal Government has exclusive jurisdiction over the national parks in the States of Arkansas, Oklahoma, Wyoming, Montana, Washington, and Oregon, and also in the Territories of Hawaii and Alaska. We should urge the cession of exclusive jurisdiction over the parks in the other States, and particularly in California and Colorado.

There are many private holdings in the national parks, and many of these seriously hamper the administration of these reservations. All of them should be eliminated as far as it is practicable to accomplish this purpose in the course of time, either through Congressional appropriation or by acceptance of donations of these lands. Isolated tracts in important scenic areas should be given first consideration, of course, in the purchase of private property.

Every opportunity should be afforded the public, wherever possible, to enjoy the national parks in the manner that best satisfies the individual taste. Automobiles and motorcycles will be permitted in all of the national parks; in fact, the parks will be kept accessible by any means practicable.

All outdoor sports which may be maintained consistently with the obser-

vation of the safeguards thrown around the national parks by law will be heartily endorsed and aided wherever possible. Mountain climbing, horse-back riding, walking, motoring, swimming, boating, and fishing will ever be the favorite sports. Winter sports will be developed in the parks that are accessible throughout the year. Hunting will not be permitted in any national park.

The educational, as well as the recreational, use of the national parks should be encouraged in every practicable way. University and high-school classes in science will find special facilities for their vacation period studies. Museums containing specimens of wild flowers, shrubs, and trees and mounted animals, birds, and fish native to the parks, and other exhibits of this character, will be established as authorized.

Low-priced camps operated by concessioners should be maintained, as well as comfortable and even luxurious hotels wherever the volume of travel warrants the establishment of these classes of accommodations. In each reservation, as funds are available, a system of free camp sites will be cleared, and these grounds will be equipped with adequate water and sanitation facilities.

As concessions in the national parks represent in most instances a large investment, and as the obligation to render service satisfactory to the Department at carefully regulated rates is imposed, these enterprises must be given a large measure of protection, and, generally speaking, competitive business should not be authorized where a concession is meeting our requirements, which, of course, will as nearly as possible coincide with the needs of the traveling public.

All concessions should yield revenue to the Federal Government, but the development of the revenues of the parks should not impose a burden upon the visitor.

Automobile fees in the park should be reduced as the volume of motor travel increases.

For assistance in the solution of administrative problems in the parks relating both to their protection and use, the scientific bureaus of the Government offer facilities of the highest worth and authority. In the protection of the public health, for instance, the destruction of insect pests in the forests, the care of wild animals, and the propagation and distribution of fish, you should utilize their hearty cooperation to the utmost.

You should utilize to the fullest extent the opportunity afforded by the Railroad Administration in appointing a committee of western railroads to inform the traveling public how to comfortably reach the national parks; you should diligently extend and use the splendid cooperation developed during the last three years among chambers of commerce, tourist bureaus, and automobile highway associations, for the purpose of spreading information about our national parks and facilitating their use and enjoyment; you should keep informed of park movements and park progress, municipal, county, and State, both at home and abroad, for the purpose of adapting, whenever practicable, the world's best thought to the needs of the national

parks. You should encourage all movements looking to outdoor living. In particular you should maintain close working relationship with the Dominion Parks Branch of the Canadian Department of the Interior, and assist in the solution of park problems of an international character.

The Department is often requested for reports on pending legislation proposing the establishment of new national parks or the addition of lands to existing parks. Complete data on such park projects should be obtained by the National Park Service and submitted to the Department in tentative form of report to Congress.

In studying new park projects, you should seek to find scenery of supreme and distinctive quality or some national feature so extraordinary or unique as to be of national interest and importance. You should seek distinguished examples of typical forms of world architecture; such, for instance, as the Grand Canyon, as exemplifying the highest accomplishment of stream erosion, and the high, rugged portion of Mount Desert Island as exemplifying the oldest rock forms in America and the luxuriance of deciduous forests.

The national park system as now constituted should not be lowered in standard, dignity, and prestige by the inclusion of areas which express in less than the highest terms the particular class or kind of exhibit which they represent.

It is not necessary that a national park should have a large area. The element of size is of no importance as long as the park is susceptible of effective administration and control.

You should study existing national parks with the idea of improving them by the addition of adjacent areas which will complete their scenic purposes or facilitate administration. The addition of the Teton Mountains to the Yellowstone National Park, for instance, will supply Yellowstone's greatest need, which is an uplift of glacier-bearing peaks; and the addition to the Sequoia National Park of the Sierra summits and slopes to the north and east, as contemplated by pending legislation, will create a reservation unique in the world, because of its gigantic trees, extraordinary canyons, and mountain masses.

In considering projects involving the establishment of new national parks or the extension of existing park areas by delimitation of national forests, you should observe what effect such delimitation would have on the administration of adjacent forest lands, and wherever practicable you should engage in an investigation of such park projects jointly with officers of the Forest Service, in order that questions of national park and national forest policy as they affect the lands involved may be thoroughly understood.

FRANKLIN K. LANE, *Secretary of the Interior.*

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12. Ibid, p. 41.
13. Concessions Management Standards No. 1. August 1970.
14. Concession Policies of the National Park Service (79 Stat. 969).
15. Congressional Record. 4 June 1974. p. H4693.
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C.3 PROFILE OF
BUREAU OF LAND MANAGEMENT

A. INTRODUCTION

The Bureau of Land Management (BLM) manages over 460 million acres of public lands (1). Public lands are defined as that part of the original public lands of the United States still under Federal ownership which has not been set aside for other uses.

The management of these public lands was originally governed by the various land laws of 1796, 1800, and by the Homestead and Transcontinental Acts of 1862. These acts basically set up a give away system by the Federal Government to state and local governments, corporations, and private individuals.

By 1964, Congress noted that there were over 3,000 public land laws on the books used by the BLM for the classification, management and disposal of public lands. Congress created the Public Land Law Review Commission to study the situation. It was the Commission's view that:

"The policy of large scale disposal of public lands reflected by the majority of statutes in force today (should) be revised and that future disposal should be only those lands that will achieve maximum benefit for the general public in non-Federal ownership, while retaining in Federal ownership those whose values must be preserved so that they may be used and enjoyed by all Americans." (2)

In addition, the Commission emphasized a need to develop a "clear set of goals for the management and use of public lands - particularly for lands administered by the Bureau of Land Management" (3).

The National Resource Land Management Act is the current legislative thrust for a definitive policy for managing and conserving BLM lands on the principle of multiple use. The basic policy guidelines of the act are (4):

- Lands are a vital asset;
- Lands must be systematically inventoried and present and future use identified through land use planning;
- National interest will best be served by retaining resource lands (public domain) in Federal ownership;
- The Secretary of the Interior shall manage these lands under principles of multiple use and sustained yield;
- The management practice should elicit public participation in decision making processes;

Advisory boards and committees are deemed necessary.

This act is divided into four titles - the general management authority, conveyance and acquisition authority, management implementing authority, and the authority to grant rights of way.

The general management authority gives BLM authority to regulate occupancy through permits and leases (excluding hunting and fishing), to require performance bonds, to require a continuing inventory of lands and values, and to compile regulations for protecting areas of environmental concern.

The conveyance and acquisition authority gives the Secretary the authority to sell national resource lands if

the sale will not cause needless degradation of the environment and if it meets disposal criteria.

The management implementing authority provides a working capital fund for the management of national resource lands, supplies and equipment services.

The authority to grant rights of way at market value covers reservoirs, ditches, canals, pipelines, electricity transmission lines, and roads.

Much of BLM policy would be reorganized to fit the dictates of this act. However, the Bureau does presently manage their lands by the principles of multiple use. The recreation policy includes management of public lands having open space values in a manner that will preserve those values and will make them available for appropriate recreation enjoyment by the public.

B. GENERAL AUTHORIZATIONS

The public lands were first administered by the General Land Office created in 1812 (5). Basic legislative authorities superseding this authority were:

- Taylor Grazing Act - 1938 (43 USC 315) established the Grazing Service for the management and protection of vacant lands for grazing purposes.
- President's Reorganization Plan #3 of 1946 (5 USC 133y-16) established the Bureau of Land Management by consolidating the General Land Office and the Grazing Service.
- 1. Authorities for Recreation
 - a. Classification and Multiple Use Act of 1964 -

(43 USC 1411) authorizes the Secretary of the Interior to make the determination which lands are valuable for residential, industrial, ...or public and shall be managed in Federal ownership for domestic livestock grazing, fish and wildlife development, industrial development, mineral production, occupancy, outdoor recreation, wilderness preservation or preservation of public values that would be lost if the land passed from Federal ownership.

- b. The Public Land Sale Act of 1964 -
(43 USC 1421-27) authorizes the Secretary of the Interior to sell public lands in tracts of 5,120 acres or less if the lands are needed for orderly growth and development,...and are (valuable) for public use.
- c. Recreation and Public Purposes Act of 1926 -
(43 USC - 869) authorizes the Secretary to make a determination that land is to be used for a definitely proposed project. In Alaska, he can classify certain classes of lands for lease or sale for recreation and other public purposes.
- d. Accelerated Public Works Act -
(42 USC - 2642) Authorizes channeling money into economically depressed local areas. Much of this money was spent on recreation development.

- e. Pierce Act of 1938 -
(43 USC 315m-1, 315m-4 inclusive) authorizes the Secretary of the Interior to lease grazing lands at rates set by him.
- f. Small Tract Act of June 1, 1938 -
(52 Stat. 609) authorizes the Secretary of the Interior to lease or sell certain classes of public lands which he classifies as chiefly valuable for residence, recreation, business, or community site purposes.

There is no explicit authority which gives the Bureau the authority to acquire land for recreation. However, the authority is implicit in the Classification and Multiple Use Act of 1964, in the Recreation and Public Purposes Act of 1926, in the Accelerated Public Works Act and in the Small Tract Act of 1938.

Furthermore, land could be acquired for recreation according to how it is classified. For instance, lands could be classified as areas of public hunting and fishing, recreation, conservation, science, and open space if it would assure adequate outdoor recreation resources for present and future generations, and if the lands contained scientific, scenic, historic, and wilderness values which would be lost to the general public if transferred out of Federal ownership.

BLM policies and objectives for recreation promote public use and enjoyment of the lands in a manner to protect the health, safety, and comfort of the public while preserving and protecting natural resource values.

In addition, BLM policy is to do the following:

- a. Encourage state and local governments and private agencies to develop additional public facilities when such development, is consistent with long range management plans of the Bureau;
- b. Give priority to undeveloped sites, areas in localities where public recreational demand exceeds available opportunities and facilities, to areas adjacent to heavily traveled routes or highways near urban areas, bodies of water, and unique scenic attractions, to areas of natural and cultural resources.

BLM responsibilities for outdoor recreation areas follow:

- a. Assistant Director, Resources - establishes policy objectives, programs, and procedures relating to the development and use of public lands for outdoor recreation within the framework of basic laws and department policy;
- b. Service Center Directors - assist the Director in planning, developing and evaluating technical standards and procedures;
- c. State Directors - implement the recreation management program within their jurisdiction, establish state objectives, maintain liaison with state agencies and conservation organizations;

- d. District Managers - implement recreation program in line with policies provided by the Director and the State Director.

2. Authorities for Fish and Wildlife

- a. Taylor Grazing Act - June 28, 1934
(43 USC 315, as amended) establishes the Grazing Service for the management and protection of vacant lands for grazing purposes.
- b. Classification and Multiple Use Act of 1964
(43 USC 1411) authorizes the Secretary of the Interior to make the determination which lands are valuable for residential, industrial...or public land, which shall be managed by the Federal Government and which shall be sold.
- c. Endangered Species Preservation Act of 1969, 1973
(16 USC 668) provides broad authority and policy guidance for a comprehensive program for the conservation, restoration, and propagation of selected species. It provides for land acquisition authority for selected species. The 1973 amendments authorize the Secretary of the Interior, in conjunction with the Secretary of Commerce, to determine whether a species should or should not go on the Endangered Species List.
- d. Public Land Administration Act
(PL 86-649) authorizes the Secretary of the Interior to conduct investigations and to enter

into cooperative agreements involving the improvement, management, use, and protection of public lands in those cases that have not already been expressly authorized or expressly prohibited.

- e. Federal Water Projects Recreation Act
(79 Stat. 213-218) adds recreation and reaffirms the position of fish and wildlife enhancement as recognized purposes of Federal water development activities.
- f. National Environmental Policy Act of 1969
(83 Stat. 852) provisions to improve Federal plans, functions, programs, and resources by requiring environmental impact statements requiring the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided, alternatives to the proposed action relationship between long term productivity and short term uses and irreversible commitments of resources.
- g. Fish and Wildlife Coordination Act of 1958
(82 Stat. 563) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water resource development programs.

The act also provides assistance to and cooperation with Federal, state, public or private agencies in developing and managing wildlife and their habitat.

- h. National Wild and Scenic Rivers Act of 1968
(82 Stat. 906) This act instituted a National Wild and Scenic Rivers System to consist of Federal, State, and local subdivision-administered units. Restrictions on direct and adverse actions resulting from construction if water resource projects are included. It provides for studies by Interior and Agriculture of rivers for inclusion into the system, and for studies for the proposed areas which need special attention.

General policies for fish and wildlife management for the BLM are:

- a. Administer the public lands and multiple use basis for the benefit of all wildlife with particular emphasis on the protection and restoration of the habitat of rare and endangered species.
- b. All public lands administered by the BLM will be included within a Wildlife Habitat area. This includes Game Ranges set up by executive authority and jointly administered by the USF&WS.
- c. Cooperation with state wildlife agencies, land management agencies, private landowners, research groups and conservation organizations.
- d. State wildlife agencies will be encouraged to

make monetary or other contributions to wildlife habitat improvement projects.

BLM responsibilities for fish and wildlife are:

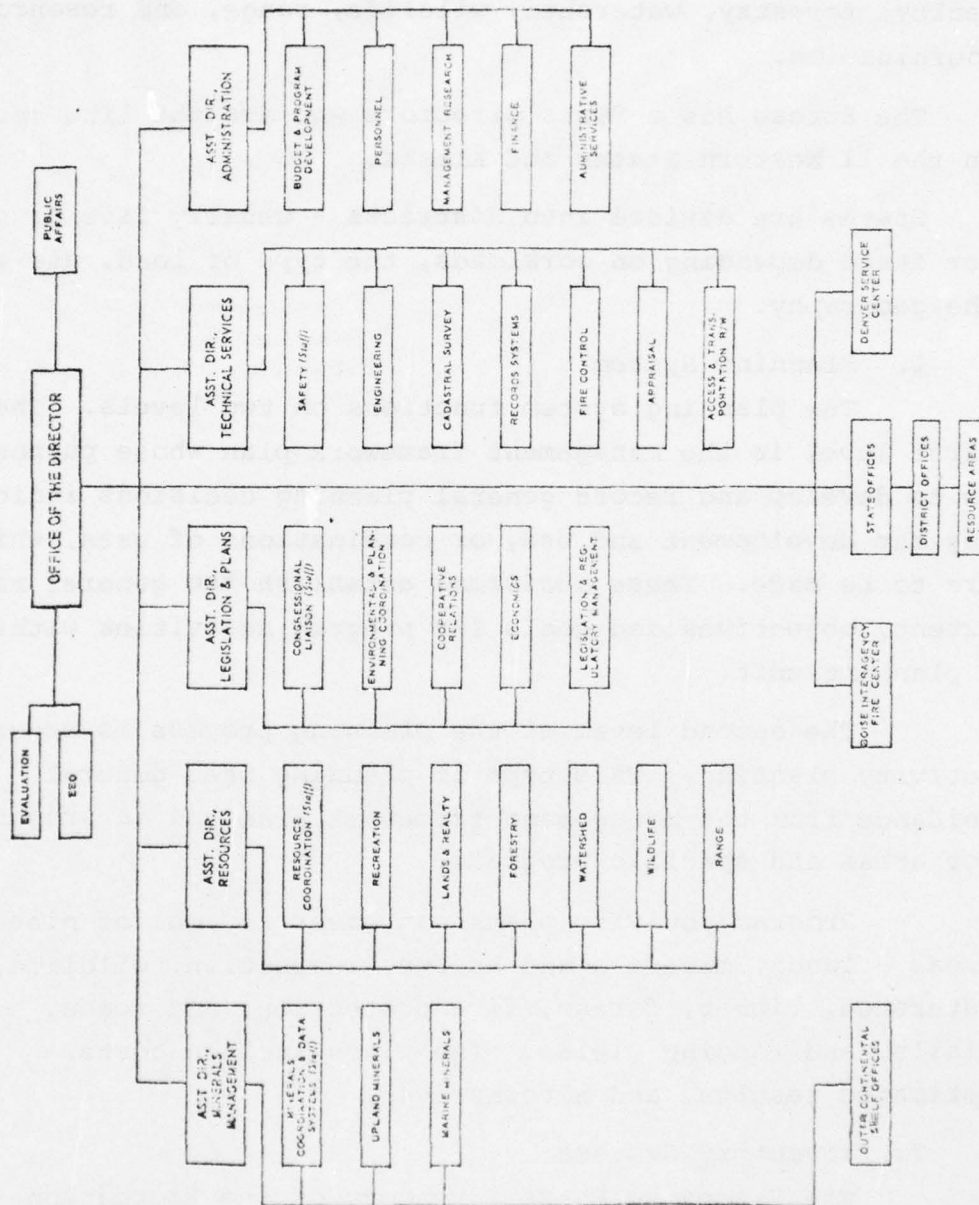
- a. Assistant Director, Resources - establishes programs and procedures relating to the use and development of the public lands for wildlife within framework of Departmental policy.
- b. Service Centers Directors (Denver) - assist the Director in developing and evaluating technical standards and procedures.
- c. State Directors - implement the wildlife management program within areas of their jurisdiction, establish stable objectives, programs and procedures, maintain liaison with state agencies.
- d. District Managers - implement the District program.

C. ADMINISTRATION AND ORGANIZATION

BLM consists of the Headquarters in Washington, D. C., three detached offices having Bureau-wide responsibilities, a basic field organization of state and district offices, and other field offices which perform limited functions (see Figure C.3.1).

The Washington office has five Assistant Directors - one for minerals management, one for resources, one for legislation and plans, one for technical services, and one for administration.

Figure C.3.1.1 Organization Chart - Bureau of Land Management



The recreation program is one of seven under the Assistant Director of Resources. Also included are: lands and realty, forestry, watershed, wildlife, range, and resource coordination.

The Bureau has a State Directors who are the line managers in the 11 Western States and Alaska.

States are divided into districts - usually five or six per state depending on workloads, the type of load, use and the geography.

1. Planning System

The planning system functions on two levels. The first level is the management framework plan whose purpose is to develop and record general planning decisions indicating the development and use, or combinations of uses, which are to be made. These decisions establish the general nature, extent, objectives and goals for program activities within a planning unit.

The second level of the planning process is program activity planning. This type of planning uses general guidance from the management framework plan and is prepared for areas and specific programs.

Program activity plans can cover any one of nine areas - lands, minerals and energy, recreation, wildlife, watershed, timber, forage, fire protection, and roads, trails, and landing fields. The plans include costs, estimated results, and alternatives.

2. Inventory Systems

The Extensive Phase Inventory of the Recreation

Information system consists of three parts. The first part is the quality evaluation of recreation use opportunities. The second part is the visitor use analysis. The third part is the usability evaluation. This system is not yet computerized.

3. Classification System

Recreation areas may be classified as recreation lands, recreation sites, resource conservation areas, natural resources experiment and research areas, or national resource lands.

D. COORDINATION WITH OTHER AGENCIES

BLM coordination with other Federal agencies and state government for recreation is not self evident except for policies relating to exchanges and withdrawals of land for public purposes.

E. CONCESSIONS AND LEASES

BLM has certain policies covering leases. Recreational, public use, or private leases fall into two categories - either the Recreation and Public Purposes Acts, or under the Small Tract Act.

The Recreation and Public Purposes Acts will only grant a lease to a state, Federal or state political subdivision, including counties and municipalities, and nonprofit organizations. General provisions governing recreation are:

1. Any state may acquire not more than 6400 acres, not involving more than three sites;
2. Any nonprofit corporation may acquire not more than 640 acres for public purposes;

3. All rentals under leases will be fair and reasonable and will be based upon the fair market value or upon consideration of the purpose of use;
4. The length of lease shall not exceed 25 years;
5. Leases are terminable for failure to comply with the terms of the lease.

The Small Tract Act promotes "the beneficial utilization of the public lands." Small tract activity (including summer homes) has to be considered in light of the effect upon the natural resources. To this end, small tract sites must be coordinated with local governmental agencies. Leases may be made to individuals, associations and corporations and any government subdivision.

General Provisions are:

- No tract shall be larger than $7\frac{1}{2}$ acres;
- Rights of way for roads and public utilities must be at least 50 feet along the boundaries of the tract;
- Every application must be accompanied by a filing fee and advance payment according to the length of term;
- Terms of lease shall not exceed 20 years;
- The minimum rental is \$100.00 per year for business sites and \$25 per year for other sites;
- Leases over 5 years must provide for construction of improvements;

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COASTAL ZONE RESOURCES CORP WILMINGTON N C

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STUDY OF LAND USE FOR RECREATION AND FISH AND WILDLIFE ENHANCEM--ETC(U)

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- Leases may be cancelled by an authorized officer if the leasee has failed to comply with the agreement.

Even though vacation homes have been included as a part of the small tract provisions, it is now the policy that vacation sites are no longer offered by the Bureau of Land Management.

Provisions for concessions and other commercial operations are of two kinds. The first is the general provision covering the BLM, the second is a special executive order applying to the Lower Colorado Land Use program. General provisions are:

1. Special land use permits are revocable at the discretion of an authorized officer of the BLM;
2. Permits shall contain stipulations necessary to protect the natural resources;
3. The permittee is liable for damage or injury to persons and property;
4. Rentals, except to Federal and state governments, are to be paid;
5. At termination of permit, permittee may remove all improvements.

The Lower Colorado Land Use program is operated by the BLM. BLM develops and implements recreation and wildlife plans in consultation with the BuRec. BLM approves all 50 year recreational leases and special permits. They also coordinate the issuance of leases by other bureaus with respect to Federal agency lands.

F. FEES

The authorization for, and the extent of, admission fees at Federal projects is generally contained in the Land and Water Conservation Fund Act of 1965 (P.L. 88-578), as amended.

The Act has been amended several times in the last two years, the last amendment being P.L. 93-303, approved on 7 June 1974. It provides for admission fees at designated units of the National Park System and at National Recreation Areas of the USFS. The act explicitly states "no admission fee of any kind shall be charged or imposed for entrance into any other Federally owned areas which are operated and maintained by a Federal agency and used for outdoor recreation."

User fees have been charged by BLM on the basis of comparable fees in the areas. Fees are determined and charged by the State Director according to the sophistication of the facilities provided.

G. UNIT COSTS

There seems to be no explicit unit cost requirement in the budgetary process. BLM uses incremental budgeting for program enhancement and has not developed unit costing. BLM supplied the following budgetary information. The 1975 data is used as a base. The field and the Washington office add incremental estimates from which Washington derives the departmental initial allowance. The initial allowance plus the 1975 base = current 1976 program sent to the Office of Management and Budget (see Figure C.3.2).

A budget breakdown of appropriated funds for recreation and wildlife from FY 1966 through FY 1974 follows (see Figure C.3.3).

Figure C.3.2 Budget Estimates for Recreation and Fish and Wildlife Purpose (\$ Millions) - FY 1976

Recreation	75 Base	Field Submissions Total 76 Low band	BLM submit to Dept. Band 1 Band 2 76 incr	Dept. Initial Allowance	Current 76 Total Prog (to OMB)
ORV Mgmt	.7	2.3	1.7	1.3	.7
River and Trail Mgt	.9	4.3	.2	.9	1.1
Primitive Areas	.5	2.0	.1	.9	.6
Cultural Enhance- ment .2	.2	1.1	.3	.8	.5
Calif. Desert	2.5		.7	4.4	2.5
Wildlife	3.6	3.4	.5	1.0	4.1
Planning related to Rec. & Wildlife	1.1				
Total	9.5		1.8	9.3	9.5

Usually get lower band even though field may want an increase. Total current 1976 program happens to equal 1975 budget because they didn't get anything for ORV management and planning related to recreation and wildlife.

Figure C.3.3 Funding of BLM Recreation Programs by Year
1966-1974

Fiscal Year	Appropriated Funds Exclusive of Carryover					TOTAL
	Recreation Mgt. 1280	Construction 2120	Maintenance 2220	Construction & Maintenance 5120	Maintenance & Construction 5320	LWCF 9400
1966	574,000	562,000	232,000	156,000	93,000	1,617,000
1967	298,000	782,000	250,000	21,800	103,000	1,454,800
1968	490,000	820,000	380,000	556,000	151,000	2,397,000
1969	766,000	263,000	549,000	523,000	139,000	2,240,000
1970	913,000	100,000	604,000	321,000	235,000	2,181,000
1971	1,530,000	735,000	985,000	817,000	304,000	4,871,000
1972	1,663,000	1,461,000	1,266,000	455,000	356,000	6,267,000
1973	2,864,000	2,644,000	1,336,000	1,974,000	667,000	11,312,000
1974	2,813,000	1,200,000	1,486,000	2,166,000	952,000	8,617,000

H. PAYMENTS IN LIEU OF TAXES

BLM has several provisions for payments to local governments in lieu of taxes. They are as follows with budget information at the end of each item in the following format ((1973 actual, 1974 estimate, 1975 estimate)) (16):

1. Leasing of grazing lands - state, county, and privately owned grazing lands that are intermingled with public grazing lands are managed on a leased basis within the limits of receipts from such arrangements (43 USC 315m) ((1, -, -)).
2. Payments to Oklahoma (royalties) - the State of Oklahoma is paid 37½% of the Red River oil and gas royalties in lieu of state and local taxes on Kiowa, Comanche, and Apache tribal funds to be used for construction and maintenance of public roads and support of public schools (44 Stat. 740) ((-, -, 1)).
3. Payments of Coos and Douglas Counties, Oregon, from receipts, Coos Bay Wagon Road grant lands - Out of receipts from these lands, payments in lieu of taxes are made to Coos and Douglas Counties for schools, roads, highways, bridges, and port districts (53 Stat. 753-754) ((520, 525, 525)).
4. Payments to counties of Oregon and California grant lands - 50% of receipts of these grant lands are paid to the counties ((37,667; 47,191; 57,500)).
5. Payments to states (proceeds of sales) - The states

are paid 5% of the net proceeds from sale of public land and public land products (31 USC 711) ((261,329,359)).

6. Payments to the states from grazing receipts of public lands outside grazing districts - The States are paid 50% of the grazing fee receipts from public domain lands outside grazing districts. (43 USC 315) ((449,576,690)).
7. Payments to states from grazing receipts of public lands within grazing districts - States are paid 12% of grazing fee receipts from grazing district lands within their boundaries (43 USC 315b, 315i) ((524,610,777)).
8. Payments to states from receipts under mineral leasing out - Alaska is paid 90% after payment into the Alaska Native fund and other states are paid 37½% of the receipts from bonuses, royalties, and rentals resulting from the development of mineral resources ((56,227; 54,388; 58,734)).
9. Payments to states from grazing receipts of public lands within grazing districts miscellaneous - States are paid specifically determined amounts from grazing fee receipts when payment is not feasible on a percentage basis (43 USC 315) ((4, 4, 8)).
10. Payments to counties, National Grasslands - Revenues received from use of submarginal lands - 25% paid to counties for school and road purposes ((204,242,311)).

11. Expenses, Public Land Administration Act - P.L. 86-940 - permanently appropriated certain moneys to the Secretary of the Interior. Moneys received in forfeiture of such lands or for road maintenance are available for necessary forest improvement, protection, and rehabilitation and for road maintenance. Moneys collected on Oregon and California grant lands are available for these lands only ((1,831; 1,200; 1,200)).

REFERENCES

1. U. S. Government Printing Office. The Public Domain, 1966. Washington, D. C.
2. Public Land Law Review Commission. One Third of the Nation's Land. 1970. Washington, D. C.
3. Ibid.
4. U. S. Government Printing Office. 8 July 1974. Congressional Record - Senate, pp. S11871-S11907. Washington, D. C.
5. Ibid.
6. Office of Management and Budget Release of 1975 Budget for Federal agencies in summary form.

C.4 PROFILE OF
U. S. FISH AND WILDLIFE SERVICE

A. INTRODUCTION

The U. S. Fish and Wildlife Service (USF&WS) was established in the Department of the Interior on 8 August 1956 by the Fish and Wildlife Act of 1956, as amended (16 USC 742) and reorganized by PL 93-271. The Act also established a comprehensive national fish and wildlife policy. The Act states:

"The Bureau (now USF&WS) is responsible for improving and maintaining fish and wildlife resources by proper management of migratory birds and other wildlife; control of population imbalances and fulfilling the public demand for recreational fishing while maintaining the Nation's fisheries at a level and in a condition that will assure their continued survival."

The Act also directs the Secretary of the Interior to acquire National Wildlife Refuge lands.

Other important acts related to recreation, fish, and wildlife land acquisition are:

- Migratory Bird Conservation Act 1929 (16 USC 715) establishes a Migratory Bird Conservation Committee to approve recommended areas for acquisition, development, and maintenance as migratory bird refuges.
- Fish and Wildlife Coordination Act of 1934 (16 USC 661-666) amended 1946, 1958, and 1965. Authorizes assistance to Federal, State, and other agencies in development, protection, rearing and stocking fish

and wildlife on all Federal lands. It authorizes Federal water resource agencies to acquire land in connection with water use projects specifically for the conservation and enhancement of fish and wildlife. The Act required consultation with the Bureau of Sport Fisheries and Wildlife and with the wildlife agency of any State where waters are proposed or authorized to be impounded, diverted, channelized, or otherwise controlled and modified by any Federal agency.

- Migratory Bird Hunting Stamp Act of 1934 (Duck Stamp Act - 16 USC 718) authorizes acquisition of waterfowl production areas through the use of duck stamp revenue. (Migratory Bird refuges are also acquired through Duck Stamp revenue).
- Federal Aid in Wildlife Restoration Act of 1937 (16 USC 669) (Pittman-Robertson Act) provides Federal aid to the States through a Wildlife Restoration Fund. The revenue from an excise tax on guns and ammunition is provided to the States on a matching basis for land acquisition, research, development and management projects.
- Federal Aid in Fish Restoration Act (Dingell-Johnson) (16 USC 777) provides Federal aid to the States in sport fish restoration work. Funds from an excise tax on certain items of sport fishing tackle are provided to States for land acquisition, research, development, and management.

- Refuge Recreation Act of 1962, as amended (16 USC 460) directs the Secretary to administer refuges, hatcheries, and other conservation areas for recreational use, when such administration does not interfere with an area's primary use. It also authorizes acquisition of lands adjacent to existing conservation areas for recreational development and to protect natural resources of the refuge.
- Federal Water Project Recreation Act of 1965 (16 USC 4602). Declares the intent of Congress that recreation and fish and wildlife enhancement shall be fully considered purposes of Federal water development projects. This Act provides for expenditure of Federal water project funds for land acquisition needed to establish refuges for migratory waterfowl and authorizes the Secretary to provide facilities for outdoor recreation and fish and wildlife at all reservoirs under his control except those within National Wildlife Refuges.

Other acts related to recreation, fish and wildlife include:

- Wilderness Act of 1964 (16 USC 1131-1136) directs the Secretary of the Interior, within 10 years, to review every roadless area of 5,000 or more acres within National Wildlife Refuges and game refuges and to make recommendations to Congress for inclusion into the wilderness system.
- National Wildlife Refuge System Administration Act of 1966 (16 USC 668). Provides guidelines and direc-

tives for the administration of all areas of the National Wildlife Refuge System, including areas for the conservation of fish and wildlife that are threatened with extinction.

- Estuary Protection Act (16 USC 1221-1226). Authorizes the Secretary to study and inventory estuaries of the United States. It also authorizes the Secretary to enter into cost sharing agreements with States and subdivisions for permanent management of estuarine areas in their possession.
- Endangered Species Conservation Act of 1969, (16 USC 668). Provides broad authority and policy guidance for a comprehensive program for the conservation, restoration, and propagation of selected species. It provides land acquisition authority for selected species of native animals threatened with extinction.
- Endangered Species Act of 1973. The Secretary of the Interior shall determine whether a species is or is not endangered. In making this determination, the Secretary of the Interior shall consult with the Secretary of Commerce. The Secretary of the Interior shall establish a program to conserve any fish or wildlife listed as endangered. He shall also use any vested land acquisition authority to conserve fish and wildlife.
- National Environmental Policy Act of 1969 (PL 91-190). Required all Federal agencies to consult with each other. It also requires them to include in every

report a detailed statement on the environmental impact of the proposed action, any adverse environmental affects which cannot be avoided, alternatives to the proposed action, relationship between short term uses and long term productivity, and any irreversible commitments of resources involved in the proposed action.

B. ADMINISTRATION AND ORGANIZATION

1. General. The U. S. Fish and Wildlife Service has been comprised of the two Bureaus: - a Bureau of Commercial Fisheries responsible for commercial fisheries which was transferred to NOAA, and a Bureau of Sport Fisheries and Wildlife (renamed Fish and Wildlife Service PL 93-271) responsible for wild birds, mammals (except those marine mammals which are the responsibility of the Bureau of Commercial Fisheries) and sport fisheries. The functions fo the Service are administered under the supervision of the Assistant Secretary for Parks, Fish and Wildlife.
2. Fish and Wildlife Service. USF&WS aids in the conservation of the Nation's fish and wildlife. Its activities include findings in the development and management of a system of National Wildlife Refuges for migratory birds and endangered species of mammals; the management of populations of migratory game birds and the application of research necessary for perpetuation and enhancement of fish and wildlife resources.

The USF&WS is composed of the headquarters office in Washington, D. C., and a field organization (See Figure C. 4.1). There are seven regions and an Alaska Office in the continental United States and approximately 500 field installations including wildlife refuges, fish hatcheries, and research laboratories. The service is headed by a Director. The regions are under the direction and supervision of Regional Directors, who report to the Director. The field installations, except for those engaged in research, are supervised by the Regional Directors. All installations engaged in research report to the Division of Sport Fisheries or the Division of Wildlife in the headquarters office.

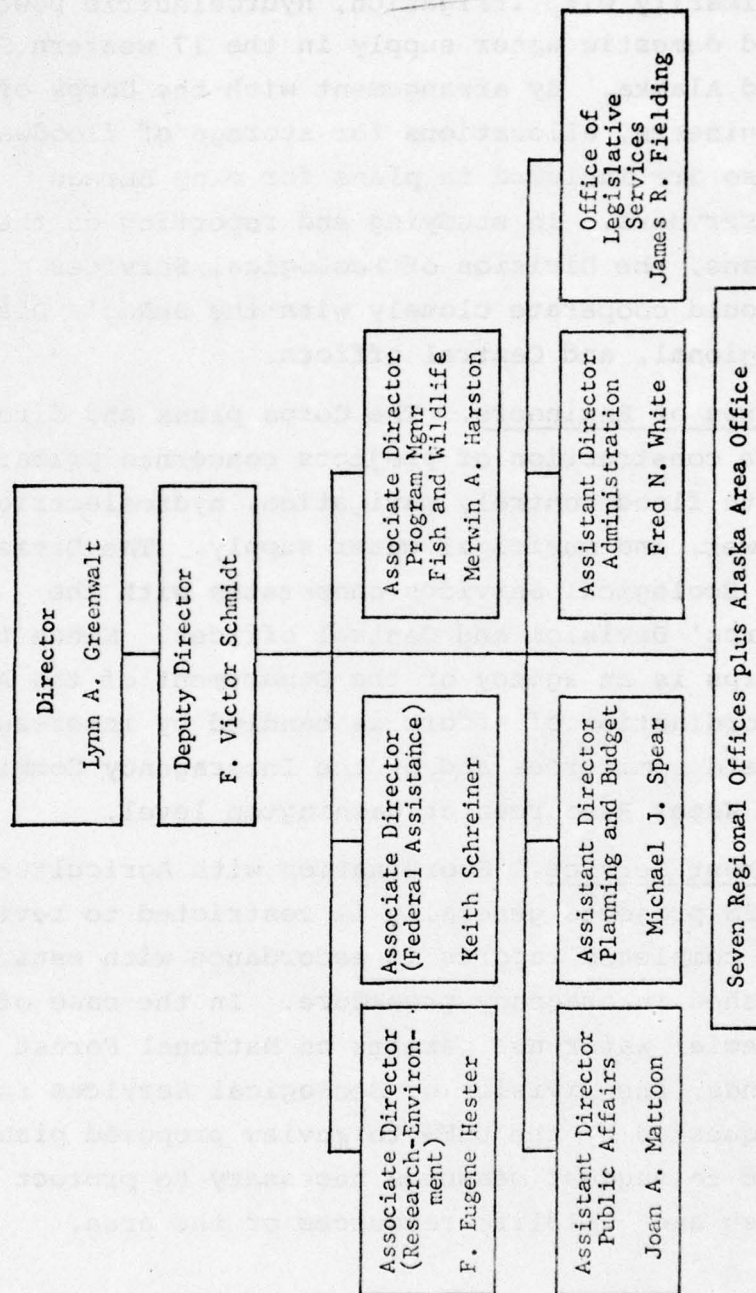
The Washington office consists of seven divisions - the Research-Environment, the Federal Assistance, the Fish and Wildlife Management, the Public Affairs, the Planning and Budget, the Administration, and the Office of Legislative Services.

The Division of Ecological Services is the representative of the USF&WS in connection with Federally-planned or Federally-licensed water development projects. It must deal directly with agencies planning these projects in order to insure adequate consideration of fish and wildlife. During investigation and report preparation, the Division contacts the appropriate agency to obtain information concerning the proposed water development.

Federal coordination is as follows:

- a. Bureau of Reclamation. The BuRec plans and directs the construction of projects concerned

Figure C.4.1 Organization Chart - U. S. Fish and Wildlife Service



primarily with irrigation, hydroelectric power, and domestic water supply in the 17 western States and Alaska. By arrangement with the Corps of Engineers, allocations for storage of floodwaters also are included in plans for many Bureau reservoirs. In studying and reporting on these plans, the Division of Ecological Services should cooperate closely with the BuRec's District, Regional, and Central offices.

- b. Corps of Engineers. The Corps plans and directs the construction of projects concerned primarily with flood control, navigation, hydroelectric power, and municipal water supply. The Division of Ecological Services cooperates with the Corps' Division and Central offices. Since the Corps is an agency of the Department of the Army, coordination of effort is handled by inter-agency field committees and by the Interagency Committee on Water Resources at Washington level.
- c. Forest Service. Coordination with Agriculture on USFS projects generally is restricted to review of completed reports in accordance with established interagency procedure. In the case of special water-use permits on National Forest lands, the Division of Ecological Services is requested by the USFS to review proposed plans and to suggest measures necessary to protect fish and wildlife resources of the area.

- d. FPC. Relationships of the Division of Ecological Services with the FPC differ from those with the BuRec, the Corps, and the Department of Agriculture in that the FPC does not construct water-use projects. Under terms of the Federal Power Act, the FPC is authorized to issue preliminary permits and to grant licenses for power projects sponsored by non-Federal interests which would affect public lands and reservations of the United States, utilize the surplus water or waterpower from any Government dam. Applications for licenses or permits for such projects are submitted to the Department of the Interior by the FPC for determination as to how the projects will affect the interests of various Interior agencies. The Division of Ecological Services refers these applications to the appropriate Regional Office for preparation of a draft of the USF&WS's report to the Secretary.
- e. BOR. USF&WS will conduct investigations and prepare reports concerning the fish and wildlife aspects of water resources projects. These reports will include such things as present and future demand for hunting, fishing, and other recreation uses of fish and wildlife, existing and prospective supplies of fish and wildlife resources; recommended measures for the conservation, development, and utilization of fish and wildlife resources; and anticipated benefits and costs in dollars.

The BOR will conduct investigations and propose reports to construction agencies concerning the total outdoor recreation aspects of water resource projects. These reports will cover the conservation, development, and utilization of land and water for general and specialized outdoor recreation purposes.

- f. TVA. Memorandum of Agreement - 1968 provides for cooperation between TVA's Fish and Wildlife Branch and the Southeastern Regional Office of the Fish and Wildlife Service. The two agencies are to meet and jointly review fish and wildlife aspects of TVA's proposed water-control projects.

In general, it has been found that there is a need for more complete consultation and study on wildlife effects. The consultation and study requirements have not been adequately implemented in three reports (Report to the Subcommittee on Fisheries and Wildlife Conservation and the Environment - Committee on Merchant Marine and Fisheries - House of Representatives of the Comptroller General of the United States, 8 March 1974 pp. 16-18).

- a. Lack of consultation and adequate study on Section 10 permits to build any facility on navigable water by any individual holder of permits. Of the permits reviewed by Fish and Wildlife, many reports did not quantify wildlife and habitat losses and damages, recommend specific measures to minimize these losses and damages or identify opportunities to improve wildlife.

- b. Although development agencies consulted wildlife agencies on Federally funded projects and on certain permits, the wildlife agencies did not adequately study the expected losses, damages or opportunities for enhancement.
- c. Development agencies sometimes significantly modified their projects without consulting the wildlife agencies.

USF&WS coordination with state agencies is as follows:

When a Regional Office is contacted by a project-planning agency for an expression as to what interest the USF&WS may have in a proposed project, the Division of Ecological Services contacts the head of the state conservation department if it appears that fish and wildlife interests may be affected.

The agency may suggest joint field examinations, exchange of data, an expression of the state's interest in the project, and correlation of the state's report or statement with that of USF&WS. When appropriate, the state may assist in the preparation of the USF&WS report, and in all cases such a report is sent to the state for review and comment prior to its final processing.

Land acquisition and development projects which are submitted for financial assistance by USF&WS will be reviewed for consistency with the statewide comprehensive outdoor recreation plan.

3. Analysis of Projects Effects

The USF&WS includes in its project reports to the BuRec and to the Corps its finding as to the value of the fish and wildlife benefits expected to be provided each year over the life of the project. This evaluated benefit is then used by the BuRec or the Corps in the economic justification for the project in the benefit-cost ratio. It also is used as a basis for allocating a share of the cost to fish and wildlife conservation and improvement.

The Fish and Wildlife Coordination Act then requires the Federal Construction Agency to make a finding as to the part of the project costs allocated to fish and wildlife, if any, which should be reimbursed by non-Federal fish and wildlife agencies or interests.

Generally, on wildlife management areas under either State or Federal administration, the Federal project should not be expected to fund costs beyond a period of 5 years for (1) maintaining food and cover plantings for upland game and (2) replanting waterfowl food plants. All other operation and maintenance costs should be borne by the state or Federal agency administering the wildlife management area. This would include the O&M costs of structures, such as buildings and fences which might have been constructed at project cost as well as salaries of employees managing or patrolling the area.

Also, operation and maintenance costs of additions to existing management areas or replacements for management areas destroyed should be borne by the state or Federal agency

administering such areas. Generally, such costs represent merely a continuation of the costs which these agencies have been bearing on the existing areas.

Operation and maintenance costs of measures closely associated with project structures which were constructed at Federal project cost should be funded by the project throughout the project life.

C. FEES AND CHARGES

The authorization for, and the extent of admission fees and recreation use fees at Federal projects is general contained in the Land and Water Conservation Fund Act of 1965 (PL 88-578), as amended. It has been amended several times in the last two years, the last amendment being PL 93-303, approved on 7 June 1974. In its present form Section 4(a) covering admission fees reads as follows:

"Entrance or admission fees shall be charged only at designated units of the National Park System administered by the Department of the Interior and at National Recreation Areas administered by the Department of Agriculture. No admission fees of any kind shall be charged or imposed for entrance into any other Federally owned areas which are operated and maintained by a Federal agency and used for outdoor recreation."

The National Wildlife Refuge system does accommodate wildlife-oriented outdoor recreation wherever there is no conflict with wildlife values.

16 USC 460k governs recreational use of fish and wildlife areas provided that public recreation is practicable and not inconsistent with other previously authorized Federal operations or with primary objectives.

Refuges, hatcheries, game ranges, and other conservation areas shall be used during any fiscal year for those forms of recreation that are not directly related to the primary purposes if the Secretary had determined (16 USC 460k):

- That such recreational use will not interfere with the primary purpose for which the areas were established,
- That funds are available for the development, operation, and maintenance of the permitted forms of recreation.

Furthermore, the Secretary may establish reasonable charges and fees and issue permits for public use of national wildlife refuges, game ranges, national fish hatcheries, and other conservation areas administered by USF&WS.

D. UNIT COSTS

There seems to be no explicit unit cost requirement in the budgetary process. USF&WS uses incremental budgeting for program enhancement and has not developed unit costing.

Sources of funding are as follows: (OMB Release 1975 budgets for Federal agencies in summary form) general and special funds "for expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of sport fishing and wildlife resources, and for the performance of other authorized funds."

All expenditures of USF&WS are, by definition, related to the responsibility for improving fish and wildlife resources

by proper management. The direct program operating activity budgets are, however, reported in the OMB Release of 1975 Budgets in Summary Form as follows:

	<u>1973 actual</u>	<u>1974 est.</u>	<u>1975 est.</u>
	\$	\$	\$
Direct program:			
1. Habitat preservation	11,520	12,408	16,001
2. Wildlife resources	34,674	38,288	45,642
3. Fishery resources	19,663	21,340	23,123
4. Endangered species	4,195	4,660	5,527
5. Interpretation and recreation	6,005	5,670	6,089
6. Administration	<u>3,227</u>	<u>3,623</u>	<u>3,913</u>
Total direct program	79,284	85,989	101,295

Funding for land acquisition and payments in lieu of taxes falls into the following accounts with budget data in thousands of dollars at the end of each category in the following format (1973 actual, 1974 est.; 1975 est.):

1. Migratory bird conservation account.
Receipts from the sale of Federal hunting stamps are set aside in the Migratory bird conservation account. (A) Printing and sale of hunting stamps. - The Postal Service is paid the cost of printing, sale, and accounting for the migratory bird hunting stamps ((367; 450; 475)). (B) Acquisition of refuge and other areas. - Receipts in excess of Postal Service expenses are available for costs of location and acquisition of migratory bird refuges and waterfowl production areas ((11,770; 18,550; 14,296)).
2. Federal aid in fish restoration and management.- Assistance is given to States, Puerto Rico, Guam,

and the Virgin Islands by appropriation of funds for research and management equal to the revenue of the 10% excise tax on sport fishing tackle. States are reimbursed up to 75% of the cost of approved fish restoration and management projects, including research into fish culture, formulation of restocking plans, and acquisition and improvement of fish habitat (16 USC 7772-k). ((13,518; 14,365; 17,310)).

3. Federal aid in wildlife restoration.- Assistance is given to States, Puerto Rico, Guam, and the Virgin Islands by appropriation of funds for wildlife restoration equal to the 11% excise tax on the manufacture of fire-arms and ammunition. States are reimbursed up to 75% of the cost of approved wildlife restoration projects, including acquisition and development of land and water areas for wildlife management research (16 USC 669-669j), and approved hunter safety programs (PL 91-503). ((38,762; 45,000; 50,400)).
4. National wildlife refuge fund.- The Refuge Revenue Sharing Act (16 USC 715s) authorized the expenditures of revenue from the sale of products from the National Wildlife Refuge System. Part of the net proceeds of refuge products is paid to counties in which refuges are located for benefit of public schools and roads. Payment is based on 25% of the proceeds or 0.75% of the value of

lands acquired in fee, whichever is larger. The balance of the proceeds is available for management of the refuge system and for enforcement of the Migratory Bird Treaty Act. ((4,320; 4,481; 4,600)).

5. Proceeds from sales. ((0; 15; 15)).

C.5 PROFILE OF
TENNESSEE VALLEY AUTHORITY

A. GENERAL

The Tennessee Valley Authority (TVA) is a public corporation. The Federal corporation was created as a regional resource development agency. Its autonomy and flexibility, characteristic of a private corporation, was believed necessary to achieve multiple regional development objectives.

The TVA Board of Directors consists of three members appointed by the President with the consent of the Senate. The President designates one member as Chairman. The Board is a working Board with member salaries at \$38,000 (the Chairman receives \$40,000). The Board decides upon major policies, programs and activities. Appropriations are made by Congress for the non-power activities after a detailed examination of the proposed TVA budget by OMB. The General Manager and employees of TVA are appointed by the Board and serve at the pleasure of the Board.

B. STATUTORY AUTHORITY AND RESPONSIBILITIES

The statutory authority for the TVA is the Tennessee Valley Authority Act (48 Stat. 58 (18 May 1933) as amended).

The stated purpose of the Act is "To improve the navigability and to provide for the flood control of the Tennessee River; to provide for reforestation and the proper use of marginal lands in the Tennessee Valley; to provide for the agricultural and industrial development of said valley; to provide for the national defense by the creation of a

C.5.1

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corporation for the operation of Government properties at and near Muscle Shoals in the State of Alabama; and for other purposes."

Recreation was not specified as a major purpose of TVA programs, yet there was early recognition that the construction of a water control system for the Tennessee River would create a whole new range of recreation opportunities unfamiliar to the inland region (1).

C. ADMINISTRATIVE ORGANIZATION

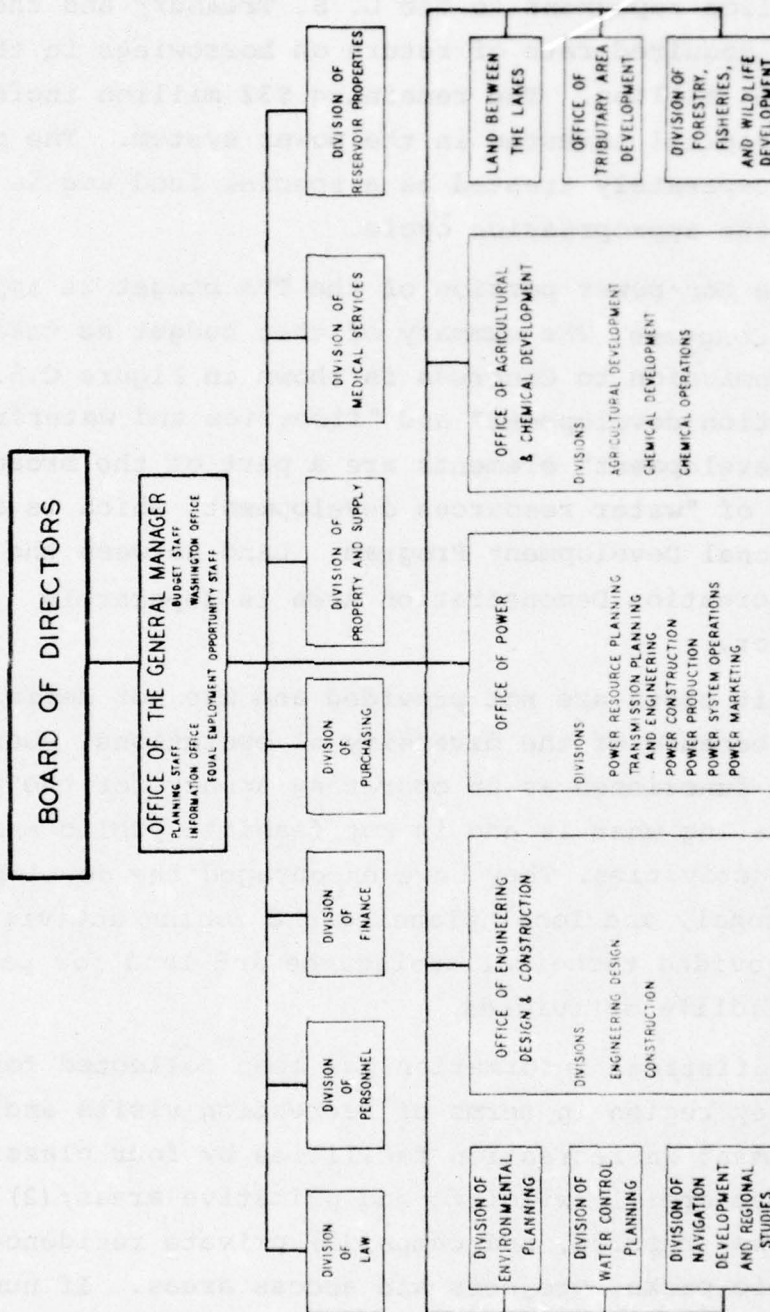
As an independent agency chartered by the Federal government, the Board of Directors is the basic policy-making body. The Board is, however, directly responsible to the President who appoints its members subject to the consent of the Senate. The TVA budget for non-power functions is appropriated by the Congress and is subject to full review by the Office of Management and Budget.

The administration of the TVA is centralized from a policy-making standpoint but district activities are maintained for the purpose of implementing policies. The basic organization of the TVA is shown in Figure C.5.1 (2).

D. BUDGETS, SOURCE OF FUNDING AND UNIT COSTS

The TVA power production and distribution is a self-sustaining program that sells power at wholesale to 110 municipal and 50 cooperative electric distribution systems. It also sells power direct to about 50 industries and 10 federal installations with large or unusual power requirements. For 1973, power revenue was \$749 million and expenses were \$643 million. The net income of \$106 million provided

Figure C.5.1 Organization Chart
TENNESSEE VALLEY AUTHORITY



the \$20 million repayment to the U. S. Treasury and the statutorily required rate of return on borrowings in the amount of \$54 million. The remaining \$32 million increased the equity capital invested in the power system. The power funding is separately treated as a special fund and is not subject to the appropriation cycle.

The non-power portion of the TVA budget is appropriated by Congress. The summary of that budget as taken from the submission to Congress is shown in Figure C.5.2. The "recreation development" and "fisheries and waterfront resources development" elements are a part of the broader sub-program of "water resources development" which is a part of the Regional Development Program. Land Between the Lakes National Recreation Demonstration Area is separately accounted for.

Unit costs are not provided and are not definitively calculable because of the diversity of operations. Generally, the TVA has functioned as an operating agency for the purpose of demonstrating what is and is not feasible public and private recreation activities. They have encouraged the development of state, regional, and local planning and zoning activities and have provided technical assistance and land for park, fish and wildlife activities.

Statistical information has been collected for the entire valley region in terms of recreation visits and cumulative investment in recreation facilities by four classifications. These are: (1) wildlife and primitive areas; (2) commercial docks, resorts, and camps; (3) private residences; and (4) public parks, projects and access areas. If number

FIGURE C.5.2

Summary of Budget Financed from Appropriations
(For fiscal years ending June 30, 1973, 1974, and 1975)
Obligation Basis

Page Reference		1973 actual	1974 estimate	1975 estimate
	CAPITAL OUTLAY			
	REGIONAL DEVELOPMENT PROGRAM			
1	Water resources development			
2	Multipurpose facilities:			
	Duck River project:			
	Normandy dam and reservoir	\$8,906,483	\$8,494,000	\$9,388,000
	Columbia dam and reservoir	1,811,913	1,913,000	3,612,000
	Total Duck River project	10,718,396	10,407,000	13,000,000
10	Bear Creek multipurpose water control system	1,431,918	3,368,000	2,945,000
15	Tellico dam and reservoir	2,919,003	7,531,000	16,900,000
19	Tims Ford dam and reservoir	1,250,711	614,000	440,000
	Additions and improvements at multipurpose dams	524,414		
	Navigation facilities:			
21	Railway bridge alterations at Decatur, Alabama	3,608,151	249,000	275,000
23	Yellow Creek Port project	482,422	1,199,000	
25	Additions and improvements at navigation facilities	1,096,197	396,000	203,000
26	Flood control facilities	30,407	662,000	400,000
27	Recreation facilities	95,336	594,000	87,000
28	Investigations for future facilities		52,000	150,000
	Total water resources development capital outlay	\$22,447,955	\$25,072,000	\$34,400,000
85	Land Between The Lakes	1,848,112	2,497,000	2,041,000
	Total regional development capital outlay	24,296,067	27,569,000	36,441,000
100	FERTILIZER AND MUNITIONS DEVELOPMENT			
	Chemical facilities	3,155,577	4,262,000	2,959,000
183	GENERAL SERVICE ACTIVITIES			
183	Reno Bridge—Great Falls reservoir		2,200,000	300,000
	General facilities	-934,056	369,959	
	Total capital outlay	26,517,588	34,400,959	39,700,000
	EXPENSES			
	REGIONAL DEVELOPMENT PROGRAM			
29	Water resources development			
29	Navigation operations	1,008,143	1,057,000	1,123,000
34	Flood control operations	955,502	955,000	954,000
38	Regional water quality management	1,529,151	1,456,000	1,355,000
41	Recreation development	694,580	692,000	763,000
45	Fisheries and waterfowl resources development	483,081	553,000	590,000
49	Preliminary surveys and engineering	460,775	400,000	309,000
52	Multipurpose reservoir operations	6,203,279	7,144,000	6,481,000
	Total water resources development expenses	11,334,511	12,257,000	11,575,000

FIGURE C.5.2 (CONT'D)

Summary of Budget Financed from Appropriations (Continued)
(For fiscal years ending June 30, 1973, 1974, and 1975)
Obligation Basis

Page Reference	EXPENSES (Continued)	1973 actual	1974 estimate	1975 estimate
61	General resources development			
62	Agricultural projects	1,495,181	1,650,000	1,738,000
69	Forest and wild land resources development	1,355,308	1,513,000	1,805,000
73	Minerals resources projects	274,009	275,000	275,000
74	Environmental quality projects	430,333	418,000	418,000
77	Development of tributary areas	1,530,038	1,607,000	1,669,000
79	Demonstrations in education and manpower development	803,143	801,000	801,000
80	Regional development planning	476,132	560,000	592,000
81	Townlift community improvement	723,374	735,000	747,000
83	Interagency health service demonstrations	-	104,000	155,000
52	Multipurpose reservoir operations	124,922	139,000	122,000
	Total general resources development expenses	7,212,440	7,802,000	8,322,000
90	Land Between The Lakes			
	Land Between The Lakes operations	2,097,200	2,292,000	2,322,000
	Total regional development expenses	20,644,151	22,351,000	22,219,000
105	FERTILIZER AND MUNITIONS DEVELOPMENT			
112	Fertilizer research and development	5,486,534	5,761,000	5,839,000
	Fertilizer introduction	7,975,483	7,025,000	6,587,000
	Total fertilizer expenses	13,462,017	12,786,000	12,426,000
190	GENERAL SERVICE ACTIVITIES			
192	Valley mapping and remote sensing	456,256	415,000	395,000
	Other expenses	51,761	148,000	160,000
	Total general service expenses	508,017	563,000	555,000
	Total expenses	34,614,185	35,700,000	35,200,000
	INVENTORIES AND PROPERTY TRANSFERS			
	GENERAL SERVICE ACTIVITIES			
	General inventories	31,009	-	-
	Property transfers	-21,140	-	-
	Total inventories and property transfers	9,869	-	-
	Total budget financed from appropriations	61,141,642	70,100,959	74,900,000
	FINANCING			
	Appropriations	64,550,000	45,676,000	74,600,000
	Balance brought forward	21,316,601	24,724,959	300,000
	Balance carried forward	-24,724,959	-300,000	-
	Total financing	61,141,642	70,100,959	74,900,000

FIGURE C.5.2 (CONT'D)
(FROM APPENDIX OF THE BUDGET OF THE UNITED STATES FISCAL YEAR 1975)

The Congress created the Tennessee Valley Authority in 1933 for the unified development of a river basin comprising parts of seven States. TVA is a corporation wholly owned by the Federal Government. Its program in 1975 will be financed from three sources: (1) appropriations by the Congress; (2) proceeds available from current power operations and borrowings against future power revenues; and (3) proceeds available from nonpower activities.

Budget program—1. *Regional development program*.—A major objective of the TVA Act is full development and use of all the resources of the Tennessee River Basin. The development of these resources is reflected in regional and national gains in the fields of navigation, flood control, water quality, recreation and wildlife; in land resources—agriculture, forestry, and minerals; in education and manpower development; and in related industrial development.

(a) *Water resources development* includes continuing development of the all-year 9-foot navigation channel from the mouth of the river at Paducah, Ky., to Knoxville, Tenn., a distance of 650 miles. Technical studies appraise the opportunities for more extensive use of the waterway. Data supplied to shippers and carriers help solve transportation problems. Advisory work with State and local agencies leads to new or improved public programs by those agencies to help assure full industrial use of the waterway.

Flood control activities are concerned with maintenance and use of storage space in upstream reservoirs for seasonal retention of excessive runoff and the regulation of discharges to rates of flow which can be handled safely by downstream channels and reservoirs. Flood crests are reduced along the Tennessee River and along the tributaries downstream from the reservoirs and along the lower Ohio and Mississippi Rivers. Also, TVA collects and analyzes flood data and studies potential flood control projects and ways to improve operations of the existing system. Technical advice and assistance is given to State and local agencies in finding solutions to localized flood control problems.

Regional water quality management comprises the determination of basic facts about water quality, planning of ways of maintaining or upgrading the quality of the water resources, and monitoring and surveillance to assure that water quality does not deteriorate. This work is conducted in cooperation with appropriate Federal, State, and local agencies and with industrial users of water.

Recreation, fisheries, and waterfowl resources development activities are designed to promote the optimum development of the water and other scenic resources of the region in a way that will improve the physical and cultural environment, stimulate economic development, and conserve natural and historical resources.

The capital outlay program for water resources development includes a total of \$33,147 thousand for continuing construction of multipurpose projects: (1) \$13.0 million for the Duck River project started in 1972; (2) \$2,997 thousand for the Bear Creek project started in 1967; and (3) \$15,620 thousand for the Tellico project also started in 1967.

The program also includes capital outlays of \$478 thousand for navigation facilities of which \$275 thousand is for continuing alteration of a railway bridge at Decatur, Ala.; and \$203 thousand is for other facilities. An amount of \$400 thousand is included for partial replenishment of a fund for small flood control projects.

All water resources development facilities are planned, constructed, and operated in cooperation with State and local agencies.

(b) *General resources development*.—Special attention to selected areas and resources of the Tennessee Valley region, in particularly close cooperation with State and local agencies and with tributary area associations, constitutes an additional phase of TVA's program for the proper use, conservation, and development of the region's resources. Investigations identify current problems and opportunities for development under conditions of optimum use. Research helps develop and test corrective measures. Cooperative projects with State and local groups apply these measures to regional and special problems.

FIGURE C.5.2 (CONT'D)

(FROM APPENDIX OF THE BUDGET OF THE UNITED STATES FISCAL YEAR 1975)

Land resources projects are in the fields of forest and wildland development, agriculture, and minerals. Forest and wildland activities include appraisals of the quality and quantity of the existing resource, research and demonstrations concerning improvement of the resource—promotion of sound forest management and wood utilization practices, development of improved wildlife food and cover plants, and reclamation of strip mine lands. The objective is to make full use of the forest and wildland resources of the Valley and to develop it for maximum sustained economic return, while enhancing contributions of the resource to a quality environment. Research and demonstrations in agriculture have the objectives of assistance to Valley farmers in improving their economic situation and attainment of a higher standard of living through efficient use of land resources and improved farm practices and systems. Minerals projects have emphasis on economic geology and preparation, in cooperation with State agencies, of geologic maps essential to the development of regional minerals.

Environmental quality projects are concerned with (1) demonstrations concerning economic disposal of solid wastes; and (2) regional air quality management.

Tributary area development is a comprehensive and cooperative approach to resource development in areas of the Tennessee Valley where specific opportunities exist for further development and where local groups have organized to deal with problems of economic advancement and social improvement. Work is in close collaboration with organized groups in the tributary areas, most of which lie wholly or in part in the Appalachia portion of the Tennessee Valley.

Demonstrations in education and manpower development are concerned primarily with bringing into the workforce disadvantaged persons and for improving educational systems in low-income rural areas.

Townlift and community improvement is a technical assistance activity in which TVA helps State and local agencies to improve existing towns to better fit them to changed demands upon them for service and to guide the development of new towns where such may be needed in relationship to water resources development projects.

TVA participates in health education and community demonstrations in cooperation with Federal, State, and local groups to upgrade health care in rural areas.

(c) *Land Between the Lakes*.—Work will continue on development of the 170,000-acre area in western Kentucky and Tennessee situated between TVA's Kentucky reservoir and the Corps of Engineers' Barkley Lake. Land Between the Lakes is a demonstration of new ideas in public outdoor

of recreation visits per dollar of investment is used as a measure of effectiveness, then these figures immediately indicate that public dollars are more effective in promoting recreational activities. This does not, of course, take into account the exclusivity associated with the private residence and commercial camp activities.

Authorities at the TVA believe that combined Federal, non-Federal public, and private activities associated with the valley development have contributed to the attractiveness of the region for recreational opportunities. Therefore, it is impractical to assign realistic unit costs for specific activities of specific levels of government. It has likewise been impossible to identify comparable data from all units from which to develop composite unit costs during the course of this study.

E. PAYMENTS IN LIEU OF TAXES

The TVA has an extensive system of in-lieu payments to state and local governments but it is expressly tied to the power program rather than the recreational program. Five percent of TVA's gross proceeds from the sale of power (except sales to the federal government) is paid by TVA to states and counties as in-lieu tax payments. This percentage is fixed by law. More than \$1 million a year is paid directly to counties under a provision requiring that each county receive the equivalent of former property taxes on utility company property, underground coal reserves, and reservoir land (the power portion) acquired by TVA. The remainder goes to the eight states involved, apportioned half on the basis of how much power revenue TVA received

in each state and half on the basis of how much power property it has in each state. The eight states use or redistribute these payments under various state laws. The states are free to distribute these payments as they see fit. Local distributors of TVA power also pay taxes or tax equivalents to state and local government under various state laws.

In fiscal year 1973, TVA paid \$27.3 million in lieu of taxes to state and local governments. The distributors of TVA power paid another \$29 million (estimated) in taxes or tax equivalents to state and local governments.

F. FEES AND CHARGES

The TVA operates on the basis of no entrance fees to public properties. Special user fees may be charged for user oriented activities, such as camping, which provide to the user a degree of exclusive use of some portion or resource of the public property.

G. AUTHORITY TO ACQUIRE LAND FOR RECREATION PURPOSES

The statutory authority to acquire land for recreation purposes is Section 4(g) of the Tennessee Valley Authority Act. This is the "necessary or appropriate" provision which reads as follows: "(g) Shall have such powers as may be necessary or appropriate for the exercise of the power herein specifically conferred upon the Corporation."

This authority has been interpreted in the context of the overall activities of the TVA as a regional resource development authority to include the recreation and fish and wildlife programs. The intent that these programs be in-

cluded as parts of the acquisition program is more explicit in the purposes for which land may be disposed (covered below).

H. AUTHORITY AND PROCEDURES FOR LEASING LAND AND/OR FACILITIES TO PRIVATE INDIVIDUALS

The statutory authority for leasing land is found in Section 4(k) (a) of the Tennessee Valley Authority Act which reads as follows: "(a) to convey by deed, lease, or otherwise, any real property in the possession of or under the control of the Corporation to any person or persons, for the purpose of recreation or use as a summer residence, or for the operation on such premises of pleasure resorts for boating, fishing, bathing, or any similar purpose."

Conveyances of less than \$500 in value may be made by TVA; those over \$500 and for period less than 20 years require approval of the President and all others require approval of Congress.

Practically every type of conveyance has been used over the life of the TVA. These have included property transfer, all types easements, permits, licenses, and leases.

A summary of recreation developments is included as Attachment C.5.A.

ATTACHMENT C.5.A

RECREATION DEVELOPMENTS ON TVA LAKESHORES

July 1973

<u>Summary</u>		<u>Acres^{a/}</u>
<u>Areas</u>		
103 public parks		34,583
18 state	24,301	
37 county	4,210	
45 municipal (1 on phosphate land)	5,927	
2 county-municipal	92	
1 tributary area association	53	
423 public access areas and roadside parks		5,081
7 Federal (USFS)	89	
378 state	4,708	
38 local	284	
22 state wildlife management areas		53,685
2 national wildlife refuges		18,477
1 national park		44,217
1 national parkway		431
4 national forests (12 reservoirs)		61,992 ^{b/}
36 group camps		4,754
66 club sites		1,795
	Total	221,125 ^{c/}
305 boat docks		
33,138 boats and houseboats moored on lakes		
9,725 seasonal cottages and 8,842 permanent private residences on lakeshores		
Total value of recreation improvements--\$397,649,000 (1972) (Includes Land Between the Lakes)		
Total recreation visits--60,294,000 (1972) (Includes Land Between the Lakes)		

- Acres reported is principally land above the maximum shoreline contour. Considerably more land is available and used for public recreation because rights are granted to use the land between this contour and the water's edge; e.g., Federal and state wildlife agencies use thousands of additional acres subject to permanent or periodic flooding in connection with their wildlife development programs.
- Includes 3,890 acres which are also reported under state wildlife management areas, public access areas, county parks, and group camps.
- Does not add because some national forest land is also reported under other specific uses.

REFERENCES

1. Hendrix, Jack H. Recreation in the Tennessee Valley.
In Recreation and Parks. April 1973. pp 40-46.
2. U. S. Government Organization Manual, p. 555.

C.6 PROFILE OF
BUREAU OF RECLAMATION

A. STATUTORY RESPONSIBILITIES

The Bureau of Reclamation (BuRec) is one of the basic operating instrumentalities responsible for land management functions within the Department of the Interior. It was created by the Reclamation Act of 1902 (43 USC 391 et seq) which authorized the Secretary of the Interior to locate, construct, operate, and maintain works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the Western States(1).

In addition to the basic statute creating the BuRec, many of the individual projects have entire sets of legislation specifying special conditions for reclamation, use, property transfers and other activities. This legislation has been collected and compiled into a three volume set entitled "Federal Reclamation and Related Laws Annotated" edited by Richard K. Pelz and published by the U. S. Department of the Interior in 1972. Volumes I and II are available through the U. S. Government Printing Office. Volume III is permanently out of print.

B. ADMINISTRATIVE ORGANIZATION

As a Bureau within the Department of the Interior, the BuRec is headed by the Commissioner of Reclamation. The Secretary originally established the Reclamation Service in the Geological Survey in July 1902 after the passage of the Reclamation Act. In March 1907, the Reclamation Service was separated from the Survey and in June 1923, the name was

changed to the Bureau of Reclamation.

BuRec has program responsibilities in the 17 contiguous Western States and Hawaii. As of 1972, this included 153 projects consisting of 288 storage dams, 138 diversion dams, and 6,935 miles of irrigation canals. The Bureau's major programs consist of: irrigation water service, municipal and industrial water supply, hydroelectric power generation and transmission, water quality improvement, fish and wildlife enhancement, outdoor recreation, flood control, navigation, river regulation and control, and related units. These programs are administered through seven decentralized regional offices as follows:

Pacific Northwest Region, 550 West Fort Street,
Box 043, Boise, Idaho 83724

Mid-Pacific Region, Federal Office Building,
Sacramento, California 95825

Lower Colorado Region, Nevada Highway and Park
Street, Box 427, Boulder City, Nevada 89005

Upper Colorado Region, 125 South State Street,
Box 11568, Salt Lake City, Utah 84111

Southwest Region, 317 East Third, Box H-4377,
Amarillo, Texas 79105

Upper Missouri Region, 316 North 26th Street,
Box 2553, Billings, Montana 59103

Lower Missouri Region, Building 20, Denver Federal
Center, Denver, Colorado 80225

The Regional Offices are responsible for planning, design and construction, water and land operations, power, finance, personnel, general services, organization management, procurement and property, program coordination, and data processing

(see BuRec Organization Chart in Figure C.6.1). In addition, each Regional Director has someone with staff responsibility for recreation and fish and wildlife.

BuRec has 251 dams, reservoirs, or areas of which only 18 are under Bureau administration. The remaining areas are administered by other Federal, state and local units of government including special districts such as, for instance, the Lewiston Orchards Irrigation District. Of the 223 administered by other agencies, 21 are under current PL 89-72 agreements, 5 of which had been completed through fiscal year 1974. A listing of the areas and the principal PL 89-52 administering agency is shown in Figure C.6.2.

C. BUDGETING, SOURCE OF FUNDS, AND UNIT COSTS

The activities of the BuRec fall into four general categories: (1) power; (2) irrigation; (3) municipal and industrial water; and (4) flood control. The recreation and fish and wildlife activities are not a basic part of the BuRec's responsibilities. When recreation and fish and wildlife considerations are a part of the individual projection authorization with a portion of the project costs allocated to them, BuRec uses this as authority to continue them as a part of the project's operating and maintenance costs. The BuRec is authorized to enter into PL 89-72 cost-sharing agreements with other governmental entities and the projects contain recreation and fish and wildlife elements. Also, under the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 USC 661, et seq), BuRec has certain responsibilities for pre-project authorization wildlife studies and budgeted \$250,000 for fiscal year 1975 for an estimated 31 studies.

Figure C.6.1 Organization - Bureau of Reclamation

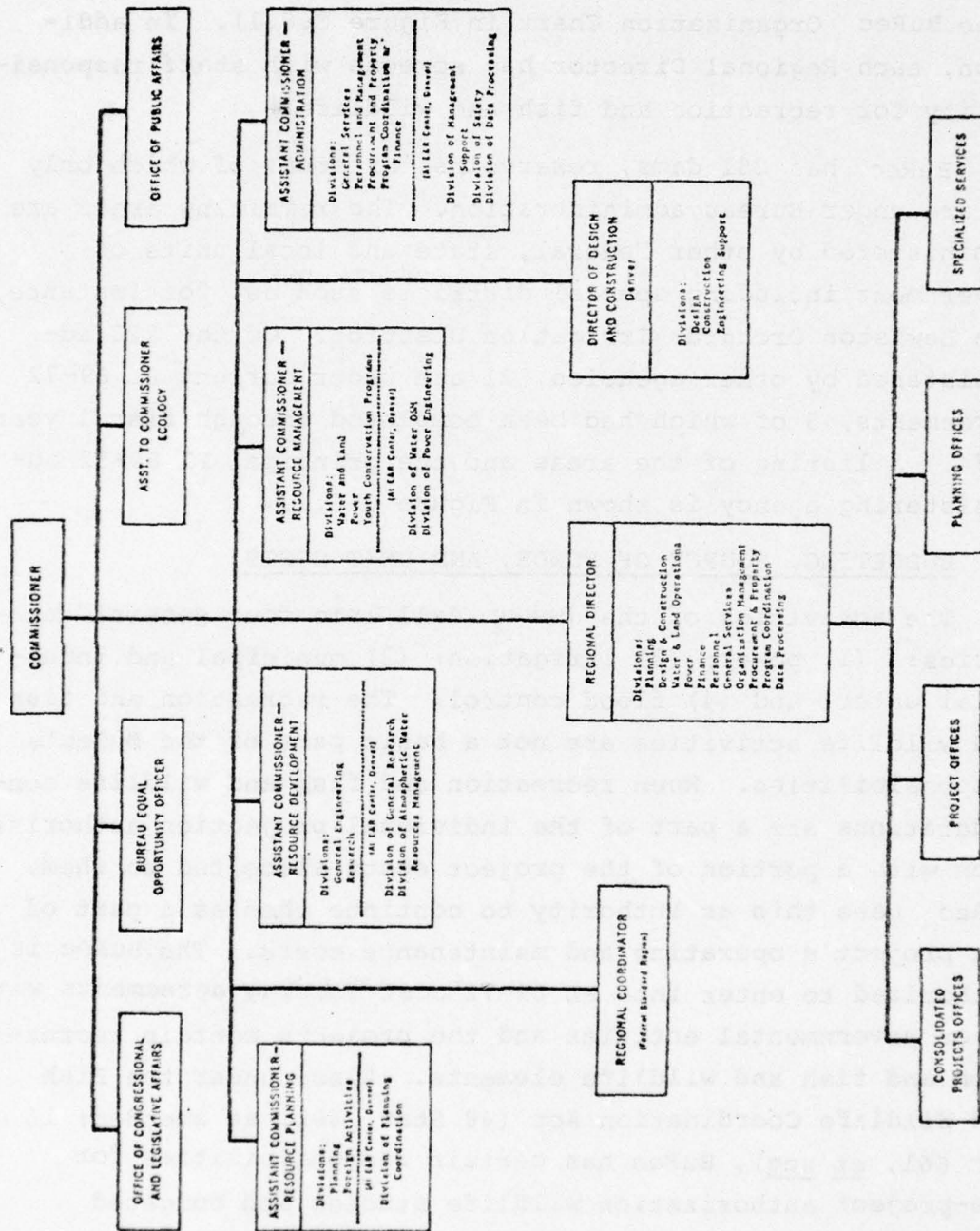


Figure C.6.2 Tabulation of Bureau of Reclamation
PL 89-72 Projects

AREA	PRINCIPAL ADMINISTERING AGENCY	STATUS
Agate	Jackson County (Oregon)	Current
Agency Valley	Malheur County (Oregon)	Current
Alcova	Natrona County Parks Board (Wyoming)	Current
Bully Creek	Malheur County (Oregon)	Current
Canyon Ferry	Montana Fish and Game Department	Current
Clark Canyon	Montana Fish and Game Department	Current
Deer Creek	Utah Division of Parks and Recreation	Current
Easton	Washington State Parks & Recreation Comm.	Current
E. A. Patterson	Dickinson Park Board (North Dakota)	Current
Emigrant	Jackson County (Oregon)	Current
Fresno (Milk Rv)	Hill County Park Board (Montana)	Current
Horsetooth	Larimer County (Colorado)	Current
Howard Prairie	Jackson County (Oregon)	Current
Hyrum	Utah Division of Parks and Recreation	Complete
Lahontan	Hevada State Park System	Complete
Lake Estes	Rocky Mtn. Metro. Recreation Dist. (Colo)	Complete
Lake Havasu	Bureau of Sport Fisheries and Wildlife	Current
Lake Tschida	North Dakota State Game & Fish Game Dept.	Current
Lower Yellowstone Dam	Dawson County (Montana)	Complete
Mann Creek	Idaho State Parks Department	Current
Belle Fourche	South Dakota Dept. of Game, Fish & Parks	Complete
Scofield	Utah Division of Parks and Recreation	Current
Scooteney	Franklin County (Washington)	Current
Sly Park	El Dorado Irrigation District (Calif)	Current
Solano	Solano County (Calif)	Current
Tiber	Montana Fish and Game Department	Current

There is no general authority for recreation and fish and wildlife programs. Therefore, no particular unit costing techniques have been developed. The degree to which recreation and fish and wildlife activities are undertaken is generally a part of the authorizing statute from which it may be completely omitted or may be rather comprehensive as in Section 8 of the Upper Colorado River Storage Project authorization which included planning, construction, operation and maintenance of recreational facilities.

Most of the recreation and fish and wildlife funding is from general appropriations. There are, however, special agreements such as PL 89-72 cost-sharing agreements and special situations for specific projects where the Bureau will administer special revenues or advance project revenues from general appropriations to be reimbursed by non-Federal entities over a period of years.

The power activity is operated exclusively by the Bu Rec and rates are set to cover the investment and operating and maintenance costs. The payback to the U. S. Treasury includes interest. The irrigation activity and municipal and industrial water is normally turned over to user cooperatives after the project is developed. The cooperatives are responsible for paying back the investment (non-interest bearing) to the U. S. Treasury and for their own operation and maintenance costs. The flood control activity is considered a general government function and that portion of the investment costs attributable to flood control is generally non-reimbursable.

Although power generation on BuRec projects is strictly a BuRec operation, there are several different administrative

techniques for distribution. In the Northwest, at Grand Coulee and Hungry Horse, the BuRec-generated power is marketed by the Bonneville Power Administration. In California, BuRec generates the power and markets it to distributors. In the Missouri River basin, BuRec generates power and markets its own power and power generated by the Corps of Engineers to the distributors.

D. PAYMENTS IN LIEU OF TAXES

The BuRec has no general statutory obligation or administrative policy concerning payments to local governments in lieu of taxes. However, at least three projects have special provisions in the authorizations. Each of these is briefly summarized below.

The Columbia Basin Project authorization has a provision for payments to the counties on the basis of a proportional amount of lease revenue on lands for settlement purposes but not yet disposed of. This applies to lands that were acquired from private ownership and are scheduled for return to private ownership.

The Klamath Project has certain areas that were originally scheduled for homesteading but the Government subsequently made a determination to retain them for fish and wildlife purposes. BuRec was then directed to lease them with a portion of the lease revenues being returned to the counties.

The third instance is the Trinity division of the Central Valley Project. Most of Trinity County is National Forest. The reservoir took some agricultural land. The BuRec was directed to pay, from construction costs or project revenues

when it goes into operation and maintenance, to the county an in-lieu amount equal to the amount that would have been paid an assessed value at the time the property passed from private ownership to public ownership.

E. ADMINISTRATION OF FEES AND CHARGES

The authorization for, and the extent of admission fees and recreation use fees at Federal projects, is generally contained in the Land and Water Conservation Fund Act of 1965 (PL 88-578), as amended. It has been amended several times in the last two years, the last amendment being PL 93-303, approved on 7 June 1974. In its present form, Section 4(a) covering admission fees reads as follows: "Entrance or admission fees shall be charged only at designated units of the National Park System administered by the Department of the Interior and National Recreation Areas administered by the Department of Agriculture. No admission fees of any kind shall be charged or imposed for entrance into any other Federally owned areas which are operated and maintained by a Federal agency and used for outdoor recreation." This statutorily precludes admission fees at BuRec projects although it was not BuRec practice to charge admission fees prior to this statutory requirement.

Recreation use charges are governed by Section 4(b) which reads as follows:

"Each Federal agencies developing, administering, providing or furnishing at Federal expense, specialized outdoor recreation sites, facilities, equipment, or services shall, in accordance with this subsection and subsection (d) of this section, provide for the collection of daily

recreation use fees at the place of use or any reasonably convenient location: Provided, That in no event shall there be a charge by any such agency for the use, either singly or in any combination, of drinking water, wayside exhibits, roads, overlook sites, visitors' centers, scenic drives, toilet facilities, picnic tables, or boat ramps: Provided however, That a fee shall be charged for boat launching facilities only where specialized facilities or services such as mechanical or hydraulic boat lifts or facilities are provided: And provided further, That in no event shall there be a charge for the use of any campground not having the following--tent or trailer spaces, drinking water, access road, refuse containers, toilet facilities, personal collection of the fee by an employee or agent of the Federal agency operating the facility, reasonable visitor protection, and simple devices for containing a campfire (where campfires are permitted). At each lake or reservoir under the jurisdiction of the Corps of Engineers, United States Army, where camping is permitted, such agency shall provide at least one primitive campground, containing designated campsites, sanitary facilities, and vehicular access, where no charge shall be imposed. Any Golden Age passport permittee shall be entitled upon presentation of such permit to utilize such special recreation facilities at a rate of 50 per centum of the established use fee." (3)

In Subsection (e) of the amended act, authority is provided to prescribe rules and regulations as follows:

"In accordance with the provisions of this section, the heads of appropriate departments and agencies may prescribe rules and regulations for areas under their administration for the collection of any fee established pursuant to this section." (4)

The BuRec does not presently have a recreation use fee schedule at any of the 17 acres owned and administered by the Bureau. The Fontenelle Reservoir of the Seedskadee Project in Wyoming is the only one with facilities approaching those specified in Section 4(b). It is presently under evaluation to determine whether a recreation use fee schedule should be developed.

F. AUTHORITY TO ACQUIRE LAND FOR RECREATION PURPOSES

The BuRec does not have statutory authority to acquire land for recreation purposes. Although the BuRec was not formally created until June 1923, the basic statutory authorities were contained in the Reclamation Act of 1902 (32 Stat. 388) which authorized the Secretary of the Interior to withdraw, from the public domain, lands for irrigation works and lands believed to be susceptible of irrigation from such works (Section 3). The Secretary was also authorized (by Section 7) to acquire "by purchase or by condemnation" rights or property for the same purposes.

G. AUTHORITY AND PROCEDURE FOR LEASING LAND AND/OR FACILITIES

"There is no general statutory authority for leasing Government-owned land, and the Secretary of the Interior may adopt such methods as he deems in the best interests of the United States and the project. In the administration of the Boulder Canyon project area, the BuRec and the NPS may grant leases for land and permits to engage in business activities to private individuals without advertising for proposals or securing competitive bids. Solicitor Margold opinion, M-28694 (13 October 1936) (5).

The above is an annotation of Section 10, the necessary and proper acts clause, of the Reclamation Act of 1902. It sets the general tone for leasing practices, i.e., leases are specific to each project and are negotiated within the context of project objectives. Section 10 has also been interpreted to confer the authority for temporary leases of lands "acquired by purchase for use in connection with an irrigation project ... where use under the proposed lease will not interfere with the use and control of the lands when needed for the purposes contemplated by the reservation or purpose." (6)

REFERENCES

1. U. S. Government Org. Manual, pp. 276-277.
2. Answering Your Questions About Reclamation, U.S. Department of the Interior, GPO 0-472-009, 1972.
3. Congressional Record, 4 June 1974, p. H4693.
4. Ibid.
5. Federal Reclamation and Related Laws Annotated, Vol. I, p. 88.
6. Ibid., p. 89.

C.7 PROFILE OF
WASHINGTON STATE PARKS AND
RECREATION COMMISSION

A. STATUTORY AUTHORITY AND RESPONSIBILITIES

The Washington State Parks and Recreation Commission is a statutorily established independent commission with broad ranging authorities for the "care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes." (RCW, Section 43.51.040, Subsection (1).)

The Washington State Parks and Recreation Commission was created on 31 March 1947 to succeed the State Parks Committee which had been in existence since the 1920s. The organizational authority is codified as RCW 43.51.010/260 (Attachment C.7.A). The duties and responsibilities include the following:

1. Care, charge, control and supervision of all parks and parkways acquired or set aside by the State for parks or parkways purposes;
2. Adopt, promulgate, issue, and enforce rules and regulations pertaining to the use, care, and administration of state parks and parkways;
3. Select and purchase or obtain options upon, lease, or otherwise acquire, for and in the name of the State, such tracts of land, including shore and tidelands, for parkway purposes;
4. Cooperate with the United States, or any country or city of the State, in care, control or supervision of any park or parkway, and enter into contract in writing to that end;

5. Study and appraise parks and recreation needs of the state, assemble and disseminate information relative to parks and recreation;
6. Coordinate the parks and recreational functions of the various State departments, and cooperate with state and Federal agencies in the promotion of parks and recreation opportunities;
7. Charge such fees for service utilities and use of facilities as shall be deemed proper;
8. Employ such assistance as it deems necessary to carry out the functions of the agency;
9. Make rules and regulations for proper administration of its duties;
10. Assist local government and local organizations and individuals in their park and recreational concerns.

In addition, the Washington State Parks and Recreation Commission has been assigned operational responsibilities for the following activities which are codified in the Washington statutes as indicated and are also included in Attachment C.7.A:

1. Youth Development and Conservation Corps, RCW 43.51.500/590.
2. Washington State Seashore Commission, RCW 43.51.660/665.
3. Preservation of Historic Properties, RCW 43.51.750/820.
4. Snowmobiles, RCW 46.10.010/210.
5. Scenic and Recreational Highway Act of 1967, RCW 47.39.010/910.
6. Trails, RCW 67.32.080.

7. Conveyances for Persons in Recreational Activities,
RCW 70.88.030/100.

B. ADMINISTRATIVE ORGANIZATION

The Washington State Parks and Recreation Commission consists of seven members appointed by the Governor with the consent of the Senate. The seven member Commission is appointed for six year terms with 2 members' terms expiring on 31 December in even numbered years except that once every six years, three members' terms will expire. The Commission selects the Director who is responsible for the implementation and administration of the Commission's policies and programs.

The Director is supported by three major operational divisions, each headed by an Assistant Director. An organizational chart is shown in Figure C.7.1.

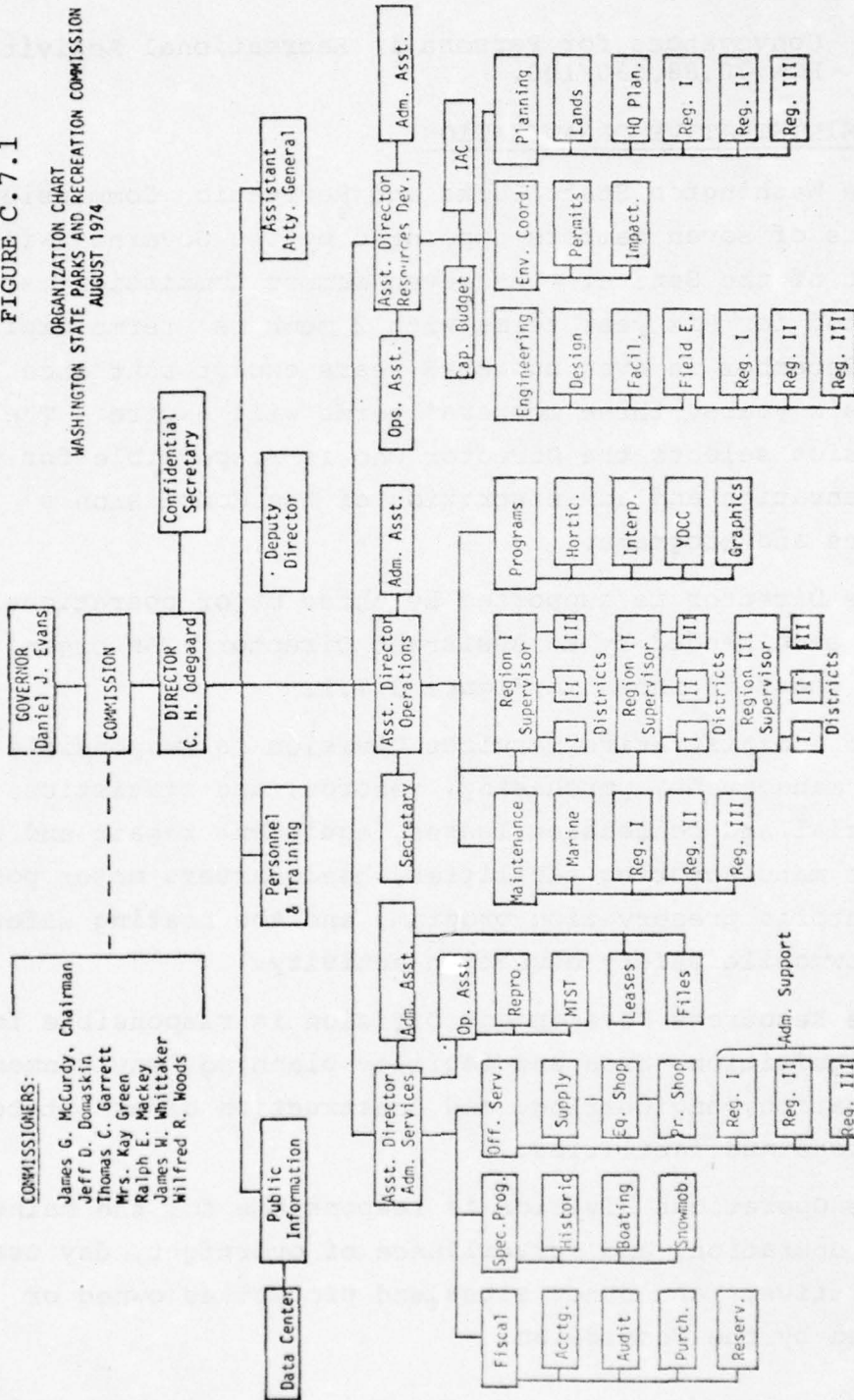
The Administrative Services Division is responsible for fiscal management, purchasing, records, and statistics, commercial and concession leases, equipment repair and wood product manufacturing facilities, headquarters motor pool, the historic preservation program, and the boating safety and snowmobile safety education activity.

The Resources Development Division is responsible for land acquisition, area and facility planning, environmental coordination, engineering, and construction of all state park areas and facilities.

The Operations Division is responsible for the maintenance, operation, and surveillance of overnight, day use, interpretive, and other sites and properties owned or operated by the Commission.

FIGURE C.7.1

ORGANIZATION CHART
WASHINGTON STATE PARKS AND RECREATION COMMISSION
AUGUST 1974



In addition to the direct line organization, the Commission is advised by 16 different Boards, Councils, and Committees established by law or executive order and having some relationship to the Commission's duties and functions. These are listed below:

1. Advisory Council on Historic Preservation
2. Advisory Committee on Scenic and Recreational Highways
3. Capitol Lake Coordinating Committee
4. Engineering and Architecture Equipment Review Committee
5. Fort Warden Advisory Committee
6. State Trails Committee
7. Interagency Committee for Outdoor Recreation Technical Advisory Committee
8. Lewis and Clark Trail Advisory Committee
9. Thermal Power Plant Site Evaluation Committee
10. Underwater Parks Advisory Committee
11. Washington State Camping Advisory Committee
12. Washington State Parks and Recreation ad hoc Boating Safety Advisory Committee
13. Wilderness Task Force
14. Youth Development and Conservation Committee
15. Resident Youth Corps Associations (8)
16. Snowmobile Advisory Committee

C. BUDGETING, SOURCE OF FUNDS, AND UNIT COSTS

The Washington State Parks and Recreation Commission, unlike most other independently established commissions, is almost totally funded from the general revenue fund. It should, however, be noted that this has not always been the case in Washington. Prior to 1970, a certain amount of motor vehicle license revenue was dedicated to parks and recreation. There seemed to be some reluctance to substantially supplement this funding level with appropriations from general revenue sources so the dedicated funding had become limiting rather than expansive. Therefore, the dedicated revenue source was abolished, the revenue remitted to the State Treasury, and the parks and recreation appropriation sought from the general fund. The legislature now enacts supplemental budgets and, in the current (1972-1975) biennium, the estimated total appropriation is more than 25% above the original appropriation.

The Washington State Parks and Recreation Commission budgeting procedure consists of two distinct processes: 1) the operating budget; and, 2) the capital budget. The historical record of operating expenditures from 1958 through 1971 may be seen in Table C.7.1. This table is from a Legislative Budget Committee report on user fees.(1) It may be noted that a sudden increase in operating expenditures occurred in 1970 when the parks and recreation functions became essentially general fund supported programs. Expenditures and revenues from Fiscal Year 1972 through requested amounts for Fiscal Year 1976 and Fiscal Year 1977 are shown in Table C.7.2. Note that the only non-general revenue funding source is from the motor vehicle fund and consists of the

Table C.7.1

Trends in User Fee Support of Operating Expenditures
State Parks Commission - 1958-1971

(1) FY Ending June 30	(2) Overnight Camping Fees	(3) All User- Related Revenues	(4) Operating Expenditures	Percentage Relations	
				2-4	3-4
1958	\$128,303	\$183,681.35	\$1,035,764	12.38	17.73
1959	128,445	166,063.74	791,946	16.21	20.96
1960	137,492	175,543.14	1,115,421	12.32	15.73
1961	149,082	186,573.54	1,271,094	11.72	14.67
1962	206,585	242,700.40	1,381,041	14.95	17.57
1963	250,461	295,721.91	1,745,590	14.34	16.94
1964	223,871	258,211.63	1,899,812	11.78	13.59
1965	264,459	309,345.11	2,032,965	13.00	15.21
1966	282,462	321,732.96	2,610,764	10.81	12.32
1967	352,013	415,503.44	2,841,902	12.38	14.62
1968	488,289	549,800.90	3,379,160	14.45	16.27
1969	585,118	653,461.66	3,593,628	16.28	18.18
1970	578,825	652,904.58	5,112,290	11.32	12.77
1971 (Est.)	583,450	662,878.00	5,627,015	10.36	11.78

Table C.7.2 Expenditures and Revenues - FY 1973 through 1977^a

	FY 1972	FY 1973	FY 1974	EST FY 1975	REQ FY 1976	REQ FY 1977
Expenditures	6,242,818	7,566,743	8,957,926	9,195,299	15,227,761	12,671,572
Revenue						
Gen. Fund ^b	5,776,165	6,181,166	8,703,576	7,618,390	13,648,577	11,127,788
Trust Fund						
Purchase Acct C	-	-	-	1,261,484	1,261,484	1,261,484
Contingency Receipts from all Sources ^d	252,154	745,597	-	-	-	-
Motor Vehicle Fund ^e	213,499	639,980	253,350	315,425	317,700	282,300

^a Source. 1975-1977 Biennial Budget Estimates

^b Includes Federal Funds for operating programs and revenues from facility operations.

^c Actually appropriated from General Fund, but set up as a special account for the purchase of Trust lands already in use (formerly leased) by the Washington State Parks and Recreation Commission.

^d These are normally applied and accounts adjusted after the accounting period because they are primarily unanticipated revenues (General Fund).

^e This is the unclaimed marine fuel tax refund monies.

unrefunded motor fuel taxes from marine use. This has become a declining source of revenue as more and more marinas and boaters claim the refunds (2).

The State is on a biennial budget, however, there has only been one complete cycle (1971-1973) to evaluate. Since the capital budget request for the 1975-1977 budget request is also approximately 50% from current general funds, as opposed to bond funds, the current session of the Washington legislature should give an indication of how the Commission will fare under the new system.

Even though the Washington State Parks and Recreation Commission is a statutorily established independent commission, there are two things, both of which stem from the move away from reliance on dedicated revenue sources, that constrain its actions. One is that the Governor's budget office reviews the Commission's budget and may recommend reductions or increases in either the operating or capital budgets. This means that emphasis, within established policies, may be shifted by the funding mechanism. Second, over the long run, its ability to act independently of other state government operations will be affected by competition from other state departments, e.g., Agriculture, Health, Ecology, and Education, for general revenue funds.

Although units of output have not been specifically defined with assignments of cost per unit, the Commission is moving to an organization of budgeting by program goals and objectives with identification of workload indicators as measures of output. Since the operating budget is organized by the Administrative Services Division, the Resources Development Division, and the Operations Division, the program

objectives and workload indicators as identified in the 1975-1977 Biennial Budget Estimates are tabulated below, by Division:

1. Administrative Services Division

a. Objectives

- Assure agency compliance with requirements of Budget and Accounting Act
- Improve and maintain a uniform agency fiscal and accounting system
- Improve and maintain the budget data base system
- Develop, implement, maintain and improve purchasing and central warehousing operations
- Develop, implement, and maintain a central records center
- Implement reorganization of the Historic Preservation Program
- Expand the Snowmobile Program
- Continue to provide the maximum level of service possible to the boating public
- Improve and maintain the ability to collect, analyze, extract, and promulgate statistical data important to management decisions

b. Workload Indicators

<u>Activity</u>	<u>Measure</u>
- Budget & Fiscal)	Fiscal documents &
- Payroll)	warrants processed.
- Purchasing)	Reports provided.

- | | |
|--------------------------------|--|
| - Internal Audit | Fiscal records checked |
| - Records & Statistics | Pages Filed
Statistical reports prepared |
| - Historic Preservation | Nominations processed
Grants in aid projects prepared |
| - Boating Safety and Education | Instructional assistance given |
| - Snowmobile Safety | Students qualified
Areas maintained
Trails & facilities built |
| - Equipment Shop | Units prepared or repaired |
| - Product Shop | Units built or delivered |
| - Mail Room | Pieces of mail processed |
| - Reproduction | Pages printed |
| - MT/ST | Pages of output |
| - Supply | Items on tonnage received
Items inventoried
Items on tonnage distributed |

2. Resources Development Division

a. Objectives

- Implementation of Approved Capital Budget
- Implementation of the "108" Program
- Coordination of environmental values in planning process

- Obtain permits and approvals for construction work
- Review impact statements for others
- Research and planning
- Park master planning
- Rejuvenation and maintenance planning
- Park boundary surveys
- Land inventory and appraisal reports
- Land exchange
- Ski inspections
- Preparation of as-built utility drawings
- Budget preparation

b. The Division has been organized into four management programs with workload indicators as follows:

- Management and Outside Funding
 - 1) Preparation of approximately 150 Commission agenda items
 - 2) Obtain funding approvals and implement approximately 15 major capital development and acquisition projects during the 1975-77 biennium
 - 3) Continue to close out approximately 40 projects
 - 4) Provide liaison with U.S. Army Corps of Engineers and Federal Power Commission

- 5) Provide technical assistance to the Washington State Parks Foundation
- 6) Prepare A-95 review forms for approximately 150 capital projects
- 7) Review and comment on approximately 250 projects processed through A-95 by other public agencies
- 8) Program and monitor the division's current biennial operating budget
- 9) Preparation of the 1977-79 biennial operating budget
- 10) Preparation of the Commission's capital program

- Research, Planning and Acquisition

- 1) Preparation and maintenance of the agency's long range capital investment plan
- 2) Coordination of the agency's long range planning
- 3) Preparation of the agency's six-year capital program
- 4) Preparation of the agency's two-year action program
- 5) Prepare detailed site plans for approximately 150 capital projects
- 6) Initiate a master planning program for both existing and proposed state parks
- 7) Provide adequate research and data collection to evaluate current trends in outdoor recreation

- 8) Acquire 10 new sites or major expansions
- 9) Implement the agency's land exchange program
- 10) Implementation of the agency's land donation program
- 11) Preparation of requests for easements and licenses
- Engineering and Construction
 - 1) Preparation of design and construction documents for approximately 150 projects (\$7 million in value)
 - 2) Preparation of construction documents for 470 miles of state parks' roads (6,000,000 in value)
 - 3) Secure applicable construction permits
 - 4) Administer approximately 225 public works contracts
 - 5) Inspection of approximately 150 ski lifts in 31 ski areas
 - 6) Maintain water rights records for all properties administered by the Commission
- Environmental Coordination
 - 1) Provide environmental assessments of approximately 200 capital and maintenance projects
 - 2) Preparation of approximately 100 environmental impact statements

- 3) Review and comment on approximately 1,350 environmental impact statements
- 4) Obtain approximately 400 hydraulic permits
- 5) Obtain approximately 60 Corps of Engineer permits for construction of facilities in navigable waters
- 6) Obtain approximately 150 Shore Management Act permits
- 7) Review and comment on approximately 2,650 applications by other public agencies and private organizations for Corps permits
- 8) Obtain approximately 25 waste discharge permits
- 9) Obtain approximately 60 water quality certifications
- 10) Analyze existing state park lands to determine present and potential uses

3. Operations Division

a. Goals/Objectives

- Operate the areas and facilities
- Develop suggested health and safety standards
- Maintain the areas and facilities
- Acquire, properly use, and maintain needed equipment
- Develop suggested legislation, departmental rules, policies and procedures

- Comply with applicable state statutes
 - Provide educational learning opportunities
 - Request and administer funds as provided
 - Request and supervise personnel as provided
- b. Workload Indicators
- No record of quantifiable workload indicators was found for the Operations Division.

The capital budget is also prepared biennially and is funded through a combination of general funds and bond sales. (It should be noted that debt service on the bonds is not carried as a part of the parks' operating budget but is reported under a separate item covering all debt service.)

All bonds are approved at referendum, therefore capital program bond funding is identified by the referendum number. Following is a tabulation of the 1975-1977 capital budget request from bond funds:

Referendum #26 Request	\$ 440,100
(Administered by the Department of Ecology and includes development of sewage disposal facilities in state parks.)	

Referendum #27 Request	694,000
(Administered by the Department of Social and Health Services and includes sufficiently broad area to cover water supply systems in state parks.)	

Referendum #28 Request \$5,026,300
(\$40 million authorization,
a portion of which is
directly administered by
the Parks and Recreation
Commission.)

Outdoor Recreation Account Request 2,470,000
(Administered by the Inter-
agency Committee for Outdoor
Recreation and includes funds
from Ref. #28 as well as
other sources.)

Subtotal \$8,630,400

In addition, general funds are 8,399,800
appropriated to the capital
budget for Park Improvements
and Extension and for Major
Park Acquisition and Develop-
ment

Total for 1975-1977 Biennium \$17,030,200

D. PAYMENTS IN-LIEU OF TAXES

There are no provisions for payments in-lieu of taxes to
local governments.

E. ADMINISTRATION OF FEES AND CHARGES

No entrance or admission charges are made by the Washing-
ton State Parks and Recreation Commission. There are,
however, user charges for campsites and trailer areas. The
current fee schedule is \$2.50 per campsite and \$3.50 per
trailer hookup. In addition, special group camping with
minimum facilities is available in 31 parks. The fee is \$.25
per camper with a maximum of \$10.00 per group per night.

During the 1969-1971 biennium, the Washington State Parks and Recreation Commission received less than 10% of its general fund support from user fees.

F. AUTHORITY TO ACQUIRE LAND FOR RECREATION PURPOSES

The general powers and duties of the Commission are set forth in Section 43.51.040, RCW. These powers include a broad grant of authority to acquire land for park and parkway purposes. Subsection (7) states:

"(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights-of-way of for state highways."

Subsection (5) covers concessions and rentals, as follows:

"(5) Grant concessions in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than twenty years, and upon such conditions as shall be approved by the commission: PROVIDED, That the commission may, by unanimous consent of its members grant such concessions for terms not to exceed forty years in state parks and parkways lying within the Columbia basin area in Douglas, Grant, Franklin, and Walla Walla counties and within Mount Spokane state park. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway."

G. AUTHORITY AND PROCEDURE FOR LEASING LAND AND/OR FACILITIES TO INDIVIDUALS

Under Section 43.51.060, FURTHER POWERS-DIRECTOR OR PARKS AND RECREATION-SALARIES, the commission is granted specific powers for the leasing of land and/or facilities by subsections (5) through (7) which follow:

"(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. All fees received by the commission shall be deposited with the state treasurer in the state parks and parkway account;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years."

Subsection (9) of the same Section grants further general authority as follows:

"(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose."

In addition, the Commission is given specific authority in Section 41.41.062 to lease park lands for television stations. The full text of that Section follows:

"Sec. 43.51.062 LEASE OF PARK LANDS FOR TELEVISION STATIONS. The state parks and recreation commission is hereby authorized to lease the use of such areas in Mount Spokane state park, Steptoe Butte state park, Kamiak Butte state park or any other state park for television stations as the commission may decide are suitable for that purpose: PROVIDED, That this authority shall not extend to school lands or lands held by the state of Washington for educational purposes."

Under the various authorities, the Commission has issued a set of regulations governing concessions and leases. These are included as Attachment C.7.B.

ATTACHMENT C.7.A

WASHINGTON STATE PARKS AND RECREATION

COMMISSION

RELATED STATUTES

CHAPTER 43.51

PARKS AND RECREATION COMMISSION

Sections

- 43.51.010 Definitions.
- 43.51.020 Commission Created--Composition.
- 43.51.030 Chairman--Meetings--Quorum.
- 43.51.040 Powers and Duties--Mandatory.
- 43.51.050 Additional Powers and Duties.
- 43.51.060 Further Powers--Director of Parks and Recreation--Salaries.
- 43.51.062 Lease of Park Lands for Television Stations.
- 43.51.070 Donations of Land for Park Purposes.
- 43.51.080 Parks in Island Counties.
- 43.51.090 Bequests and Donations of Money.
- 43.51.100 Withdrawal of Granted Lands on Public Highways.
- 43.51.110 Withdrawal of Other Lands--Exchange for Lands on Highway.
- 43.51.120 Dedication as Parks and Parkways.
- 43.51.130 Permits for Improvement of Parks.
- 43.51.140 Application for Permit.
- 43.51.150 Plans and Specifications.
- 43.51.160 Surety Bond.
- 43.51.170 Police Powers Vested in Commission and Employees.
- 43.51.180 Penalties.
- 43.51.210 Disposal of Land Not Needed for Park Purposes.
- 43.51.220 Small Boat Facilities for Puget Sound Authorized.
- 43.51.230 Lease with Option to Purchase Parental School Facilities.
- 43.51.240 Certain Tidelands Transferred to Commission.
- 43.51.250 Access to and from Tidelands.
- 43.51.500 Youth Development and Conservation Corps - Declaration of Purpose.
- 43.51.510 Youth Development and Conservation Division Established-Supervisory Personnel.
- 43.51.520 Youth Development and Conservation Committee.
- 43.51.530 Composition of Youth Corps--Qualifications, Conditions, Period of Enrollment, etc.
- 43.51.540 Compensation--Quarters--Hospital Services, etc.
- 43.51.545 Biweekly Payment of Compensation Authorized.
- 43.51.550 Laws Relating to Hours, Conditions of Employment, Civil Service, etc., Not Applicable.

- 43.51.560 Expenditures, Gifts, Government Surplus Materials.
- 43.51.570 Agreements with Private Persons to Enroll Additional People--Commercial Activities Prohibited--Authorized Closures of Area.
- 43.51.580 Agreements with and Acceptance of Grants from Federal Government Authorized.
- 43.51.590 Length of Enrollment and Compensation in Accordance with Federal Standards Authorized.
- 43.51.650 Seashore Conservation Area - Declaration of Principles.
- 43.51.655 Seashore Conservation Area - Established.
- 43.51.660 Jurisdiction over and Administration of Area.
- 43.51.665 Principles and Purposes to be Followed in Administering Area.
- 43.51.670 Cooperation and Assistance of Federal, State and Local Agencies.
- 43.51.675 Powers and Authority of Department of Fisheries and Department of Game Not Interfered With.
- 43.51.680 Control of Traffic on Ocean Beach Highways-Regulation.
- 43.51.685 Accreted Lands-Jurisdiction-Oil, Gas and Mining Leases on Accreted or Conservation Area Lands-Sale of Sand-Disposition of Proceeds.
- 43.51.690 Accreted Lands-Sanitary Facilities-Spur Roads.
- 43.51.695 Line of High Tide Boundary Monuments or Markers-Location of-Notice-Objections.
- 43.51.700 Objection Proceedings Subject to Administrative Procedure Act.
- 43.51.705 Failure to File Objections-Bar to Contesting Line of High Tide as Monumented or Marked.
- 43.51.750 Preservation of Historic Properties-Definitions.
- 43.51.760 Participation in Federal Act Programs Authorized.
- 32.51.770 Powers and Duties of Director.
- 43.51.780 Apportionment of Grants.
- 43.51.790 Advisory Council on Historic Preservation-Membership-Terms-Vacancies-Quorum.
- 43.51.800 Powers and Duties of Advisory Council.
- 43.51.810 Expenses of Council Members.
- 43.51.820 Executive Director of Council-Financial and Administrative Services.

- 47.39 SCENIC AND RECREATIONAL HIGHWAY ACT OF 1967
- 47.39.010 System Created-Standards.
- 47.39.020 Designation of Portions of Existing Highways as Part of System.

- 47.39.030 Development and Maintenance of System by Highway Commission and Parks and Recreation Commission-Allocation of Costs.
- 47.39.040 Planning and Design Standards to be Established by Office of Community Affairs.
- 47.39.050 Facilities and Factors to be Considered.
- 47.39.060 Designation of System on Maps or Other Descriptive Material.
- 47.39.900 Short Title.
- 47.39.910 Severability-1967 Act.

- 70.88 CONVEYANCES FOR PERSONS IN RECREATIONAL ACTIVITIES
- 70.88.010 Safe and Adequate Facilities and Equipment Required of Owner and Operator-Operator Not Common Carrier.
- 70.88.020 Plans, Specifications to be Submitted to State Parks and Recreation Commission-Approval-Penalty.
- 70.88.030 Orders Directing Repairs, Improvements, Changes, etc.-Notice-Forbidding Operation.
- 70.88.040 Penalty for Violation of Chapter or Rules, etc., of Parks and Recreation Commission.
- 70.88.050 Inspector of Recreational Devices-Employees.
- 70.88.060 Powers and Duties of Inspector-Condemnation of Equipment-Annual Inspection.
- 70.88.070 Costs of Inspection-Lien-Disposition of Funds.
- 70.88.080 State Immunity for Liability-Actions Deemed Exercise of Policy Power.
- 70.88.090 Rules, Regulations, and Codes.
- 70.88.100 Judicial Review.

LAWS GOVERNING
THE
STATE PARKS AND RECREATION COMMISSION

Sec. 43.51.010 DEFINITIONS. For purposes of this chapter, "recreation" means those activities of a voluntary and leisure time nature which aid in promoting entertainment, pleasure, play, relaxation, or instruction.

"Commission" means state parks and recreation commission.

Sec. 43.51.020 COMMISSION CREATED--COMPOSITION. There is hereby created a "state parks and recreation commission" consisting of seven electors of the state. The members of the commission, except three, shall be appointed by the governor by and with the advice and consent of the senate shall serve for a term of six years, expiring on December 31st of even-numbered years: PROVIDED, That of the members first appointed, one shall be appointed for a term of two years, one for a term of four years, and two each for a term of six years. Three members may be elected state officials and shall be appointed by the governor and serve during the terms for which they are elected.

In making the appointments to the commission, the governor shall choose electors who understand park and recreation needs and interests. No person, except the three state officials mentioned herein shall be appointed if he holds any elective or appointive state, county, or municipal office. Members of the commission shall be entitled to be paid a per diem of twenty-five dollars, except that no public official shall receive a per diem, for each day actually spent on duties pertaining to the commission, and in addition shall be allowed their expenses incurred while absent from their usual places of residence upon the same basis as expenses are payable to state officials and employees.

Payment of per diem and expenses, and all other expenses pertaining to the operation of the commission, shall be made upon vouchers certified to by such persons as shall be designated by the commission.

Sec. 43.51.030 CHAIRMAN--MEETINGS--QUORUM. The commission shall elect one of its members as chairman. The commission may be convened at such times as the chairman deems necessary, and a majority shall constitute a quorum for the transaction of business.

Sec. 43.51.040 POWERS AND DUTIES - MANDATORY. The commission shall:

- (1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.
- (2) Adopt, promulgate, issue, and enforce rules and regulations pertaining to the use, care, and administration of state parks and parkways, which shall become effective ten days after adoption. The commission shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule or regulation posted shall be no defense to any prosecution for the violation thereof.
- (3) Permit the use of state parks and parkways by the public under such rules and regulations as shall be prescribed.
- (4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.
- (5) Grant concessions in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than twenty years, and upon such conditions as shall be approved by the commission: PROVIDED, That the commission may, by unanimous consent of its members grant such concessions for terms not to exceed forty years in state parks and parkways lying within the Columbia basin area in Douglas, Grant, Franklin, and Walla Walla counties and within Mount Spokane state park. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.
- (6) Employ such assistance as it deems necessary.
- (7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire

for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this subdivision shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they are appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition for park and parkway purposes of any area not within the limits of any city, and in the care, control, and supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to the acquisition or improvement of which the state shall contribute or in whose care, control, or supervision the state shall participate pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Investigate and report to the governor on or before the first day of January next preceding the regular session of the legislature regarding any proposed park or parkway, and make recommendations respecting other regions in the state desirable for state park or parkway purposes.

43.51.050 ADDITIONAL POWERS AND DUTIES. The commission may:

(1) Study and appraise parks and recreational needs of the state and assemble and disseminate information relative to parks and recreation;

(2) Make provisions for the publication and sale in state parks of recreational and historical literature; and

(3) Coordinate the parks and recreational functions of the various state departments, and cooperate with state and federal agencies in the promotion of parks and recreational opportunities.

Sec. 43.51.060 FURTHER POWERS--DIRECTOR OF PARKS AND RECREATION--SALARIES. The commission may: (1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. All fees received by the commission shall be deposited with the state treasurer in the state parks and parkway account;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years; and

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by

the governor in accordance with the provisions of RCW 43.03.040, and upon his recommendation, a supervisor of recreation, and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof;

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

Sec. 43.51.062 LEASE OF PARK LANDS FOR TELEVISION STATIONS. The state parks and recreation commission is hereby authorized to lease the use of such areas in Mount Spokane state park, Steptoe Butte state park, Kamiak Butte state park or any other state park for television stations as the commission may decide are suitable for that purpose: PROVIDED, That this authority shall not extend to school lands or lands held by the state of Washington for educational purposes.

Sec. 43.51.070 DONATIONS OF LAND FOR PARK PURPOSES. The commission may receive and accept donations of lands for state park purposes, and shall have the management and control of all lands so acquired. It may from time to time recommend to the legislature the acquisition of lands for park purposes by purchase or condemnation.

Sec. 43.51.080 PARKS IN ISLAND COUNTIES. Whenever any tract of land not exceeding one hundred acres is area considered as a whole regardless of ownership, situated in a county composed entirely of islands and bounded on two or more sides by an established state park, shall be in the judgment of the commission desirable for state park purposes, the commission may lease, purchase, or condemn said tract for park purposes and incorporate it within the adjoining established park: PROVIDED, That nothing in this act (1925 ex.s. c 92) shall in any manner abridge the full effect of any existing powers heretofore granted to the state parks and recreation commission.

Sec. 43.51.090 BEQUESTS AND DONATIONS OF MONEY. The commission may receive in trust any money donated or bequeathed to it, and

carry out the terms of such donation or bequest, or, in the absence of such terms, expend the same as it may deem advisable for park or parkway purposes.

Money so received shall be deposited in the state treasury to the credit of the state parks and parkways account.

Sec. 43.51.100 WITHDRAWAL OF GRANTED LANDS ON PUBLIC HIGHWAYS. Inasmuch as the value of land with standing timber is increasing and will continue to increase from year to year and no loss will be caused to the common school fund or other fund into which the proceeds of the sale of any land held by the state would be paid by postponing the sale thereof, the commissioner of public lands may, upon his own motion, and shall, when directed so to do by the state parks and recreation commission, withdraw from sale any land held by the state abutting on any public highway and certify to the commission that such land is withheld from sale pursuant to the terms of this section.

Such lands shall not be sold until directed by the legislature, and shall in the meantime be under the care, charge, control, and supervision of the commission.

Sec. 43.51.110 WITHDRAWAL OF OTHER LANDS--EXCHANGE FOR LANDS ON HIGHWAY. The commissioner of public lands may, upon his own motion, and shall, when directed so to do by the state parks and recreation commission, withdraw from sale any land held by the state and not acquired directly from the United States with reservations as to the manner of sale thereof and the purposes for which it may be sold, and certify to the commission that such land is withheld from sale pursuant to the terms of this section.

All such land shall be under the care, charge, control, and supervision of the state parks and recreation commission, and after appraisal in such manner as the commission directs may be exchanged for land of equal value abutting upon a public highway, and to this end the chairman and secretary of the commission may execute deeds of conveyance in the name of the state.

Sec. 43.51.120 DEDICATION AS PARKS AND PARKWAYS. All state parks and parkways, subject to the provisions of this chapter are set apart and dedicated as public parks and parkways for the benefit and enjoyment of all of the people of this state.

Sec. 43.51.130 PERMITS FOR IMPROVEMENT OF PARKS. The state parks and recreation commission may grant permits to improvement clubs or voluntary associations, or committees representing such clubs or associations, to improve, without expense to the state, any state park or parkway, or any lands belonging to the state and withdrawn from sale under the provisions of this chapter.

Sec. 43.51.140 APPLICATION FOR PERMIT. Any such club, association, or committee, desiring to obtain such permit, shall make application therefor in writing to the commission, describing the lands proposed to be improved and stating the nature of the proposed improvement, and the name and general purpose of the club or association, and the names and places of residence of its officers, and, in case the application is made by a committee, the names and places of residence of the members thereof.

Such application shall be accompanied by a certificate of a judge of the superior court of the county in which the lands are situated, to the effect that he is acquainted with the officers of the club or association, or the members of the committee, making the application, and that he knows them to be persons of good repute in the community in which they reside.

Sec. 43.51.150 PLANS AND SPECIFICATIONS. If the state parks and recreation commission determines that the proposed improvement will be of benefit to the public, it shall require the applicant to submit detailed plans and specifications of the proposed improvement, which, as submitted, or as modified by the state parks commission, shall be incorporated in the permit when granted.

Sec. 43.51.160 SURETY BOND. Before any permit shall be granted, the applicant shall execute and file with the secretary of state a bond payable to the state, in such penal sum as the commission shall require, with good and sufficient sureties to be approved by the commission, conditioned that the grantee of the permit will make the improvement in accordance with the plans and specifications contained in the permit, and will pay all cost of the improvement and the claims of all laborers and materialmen employed in making or furnishing material for such improvement, and, in case the improvement is made upon lands withdrawn from sale under the provisions of RCW 43.51.100, will pay into the state treasury to the credit of the fund to which the

proceeds of the sale of such lands would belong, the appraised value of all merchantable timber and material on the land, destroyed, or used in making such improvement.

ec. 43.51.170 POLICE POWERS VESTED IN COMMISSION AND EMPLOYEES. The members of the state parks and recreation commission and such of its employees as the commission may designate shall be vested with police powers to enforce the laws of this state.

Sec. 43.51.180 PENALTIES. Every person who:

- (1) Cuts, breaks, injures, destroys, takes or removes any tree, shrub, timber, plant, or natural object in any park or parkway; or
- (2) Kills, or pursues with intent to kill, any bird or animal in any park or parkway; or
- (3) Takes any fish from the waters of any park or parkway, except in conformity with such general rules and regulations as the commission may prescribe; or
- (4) Wilfully mutilates, injures, defaces, or destroys any guidepost, notice, tablet, fence, inclosure, or work for the protection or ornamentation of any park or parkway; or
- (5) Lights any fire upon any park or parkway, except in such places as the commission has authorized, or wilfully or carelessly permits any fire which he has lighted or which is under his charge, to spread or extend to or burn any of the shrubbery, trees, timber, ornaments, or improvements upon any park or parkway, or leaves any campfire which he has lighted or which has been left in his charge, unattended by a competent person, without extinguishing it; or
- (6) Places within any park or parkway or affixes to any object therein contained, without a written license from the commission, any work, character, or device designed to advertise any business, profession, article, thing, exhibition, matter, or event; or
- (7) Violates any rule or regulation adopted, promulgated, or issued by the commission pursuant to the provisions of this chapter; shall be guilty of a misdemeanor.

Sec. 43.51.210 DISPOSAL OF LAND NOT NEEDED FOR PARK PURPOSES. Whenever the state parks and recreation commission finds that any land under its control cannot advantageously be used for park purposes, it is authorized to dispose of such land. If such lands are school or other grant lands, control thereof shall be relinquished by resolution of the commission to the proper state officials. If such lands are acquired under restrictive conveyances by which the state may hold them only so long as they are used for park purposes, they may be returned to the donor or grantors by the commission. All other such lands may be either sold by the commission to the highest bidder or exchanged for other lands of equal value by the commission with the approval of the department of natural resources, and all conveyance documents shall be executed by the governor. Sealed bids on all sales shall be solicited at least twenty days in advance of the sale date by an advertisement appearing at least in three consecutive issues of a newspaper of general circulation in the county in which the land to be sold is located. All proceeds derived from the sale of such park property shall be paid into the parks and parkway fund. All land considered for exchange shall be evaluated by the commission to determine its adaptability to park usage. The equal value of all lands exchanged shall first be determined by appraisals to the satisfaction of the department of natural resources: PROVIDED, That no sale or exchange of state park lands shall be made without the unanimous consent of the commission.

Sec. 43.51.220 SMALL BOAT FACILITIES FOR PUGET SOUND AUTHORIZED. To encourage the development of Puget Sound country as a recreational boating area, the commission is authorized to establish landing and other facilities for small pleasure boats at places on Puget Sound frequented by such boats and where the commission shall find such facilities will be of greatest advantage to the users of pleasure boats. The commission is authorized to acquire land or to make use of lands belonging to the state for such purposes, and to construct the necessary floats and other desirable structures and to make such further development of any area used in connection therewith as in the judgment of the commission is best calculated to facilitate the public enjoyment thereof.

Sec. 43.51.230 LEASE WITH OPTION TO PURCHASE PARENTAL SCHOOL FACILITIES. The commission may execute leases with options to purchase and then subsequently purchase but not before

July 1, 1961, the parental school facilities now or hereafter owned or operated by school districts. Leases with options to purchase shall include such terms and conditions as the commission deems reasonable and necessary to acquire the facilities. Notwithstanding any provisions of law to the contrary, the board of directors of each school district now or hereafter owning or operating parental school facilities may, without submission of approval to the voters of the school district, sell or execute leases with options to purchase such parental school facilities. Leases with options to purchase shall include such terms and conditions as the board of directors deems reasonable and necessary to dispose of the facilities in a manner beneficial to the school district. The commission, if it enters into a lease with option to purchase parental school facilities, may exercise its option and purchase such parental school facilities; and a school district may, if it enters into a lease with an option to purchase parental school facilities, upon exercise of the option to purchase by the commission, sell such parental school facilities and such sale may be accomplished without first obtaining a vote of approval from the electorate of the school district.

Sec. 43.51.240 CERTAIN TIDELANDS TRANSFERRED TO COMMISSION. The powers, functions, and duties heretofore exercised by the department of fisheries, or its director, respecting the management, control, and operation of the following enumerated tidelands, which are presently suitable for public recreational use, are hereby transferred to the parks and recreation commission which shall also have respecting such tidelands all the powers conferred by chapter 43.51 RCW, as now or hereafter amended, respecting parks and parkways:

Parcel No. 1. (Toandos Peninsula) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1,2, and 3, section 5, lots 1,2, and 3, section 4, and lot 1, section 3, all in township 25 north, range 1 west, W.M., with a frontage of 158.4 lineal chains, more or less.

Parcel No. 2. (Shine) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1,2,3 and that portion of lot 4 lying north of the south 8.35 chains thereof as measured along the government meander line, all in section 35, township

28 north, range 1 east, W.M., with a frontage of 76.60 lineal chains, more or less.

Subject to an easement for right of way for county road granted to Jefferson County December 8, 1941 under application No. 1731, records of department of public lands.

Parcel No. 3. (Mud Bay - Lopez Island) The tidelands of the second class, owned by the state of Washington situate in front of, adjacent to, or abutting upon lots 5,6,7, section 18, lot 5, section 7 and lots 3,4, and 5, section 8, all in township 34 north, range 1 west, W.M., with a frontage of 172.11 lineal chains, more or less.

Excepting, however, any tideland of the second class in front of said lot 3, section 8 conveyed through deeds issued April 14, 1909 pursuant to the provisions of chapter 24, Laws of 1895 under application No. 4985, records of department of public lands.

Parcel No. 4. (Spencer Spit) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1,3, and 4, section 7, and lot 5, section 18 all in township 35 north, range 1 west, W.M., with a frontage of 118.80 lineal chains, more or less.

Parcel No. 5. (Lilliwaup) The tidelands of the second class, owned by the state of Washington, lying easterly of the east line of vacated state oyster reserve plat No. 133 produced southerly and situate in front of, adjacent to or abutting upon lot 9, section 30, lot 8, section 19 and lot 5 and the south 20 acres of lot 4, section 20, all in township 23 north, range 3 west, W.M., with a frontage of 62.46 lineal chains, more or less.

43.51.250 ACCESS TO AND FROM TIDELANDS. The state parks and recreation commission may take appropriate action to provide public and private access, including roads and docks, to and from the tidelands described in RCW 43.51.240.

YOUTH DEVELOPMENT AND CONSERVATION CORPS

Sec. 43.51.500 DECLARATION OF PURPOSE. The purpose of RCW 43.51.500 through 43.51.570 is to provide: (1) The opportunity

for healthful employment of young men in programs of conservation, developing, improving, and maintaining natural and artificial recreational areas for the welfare of the general public; (2) the opportunity for our young men to learn vocational and work skills, develop good work habits and a sense of responsibility and contribution to society, improvement in personal physical and moral well being, and an understanding and appreciation of nature.

Sec. 43.51.510 YOUTH DEVELOPMENT AND CONSERVATION DIVISION ESTABLISHED--SUPERVISORY PERSONNEL. There is hereby created and established a youth development and conservation division within the state parks and recreation commission (hereafter referred to as the "commission"). The commission shall appoint such supervisory personnel as necessary to carry out the purposes of RCW 43.51.500 through 43.51.570.

Sec. 43.51.520 YOUTH DEVELOPMENT AND CONSERVATION COMMITTEE. There is established a committee of advisors to be known as the youth development and conservation committee (hereinafter referred to as the "committee"). The committee shall be composed of nine members as follows: A member of the state parks and recreation commission, representatives of the: Department of commerce and economic development, state board of education, department of fisheries, department of game, employment security department, commissioner of public lands, department of conservation, and one member to be appointed by the governor. The members of the committee shall serve without compensation for their time and expenses in fulfilling their duties, except that public employees shall be eligible for their normal compensation as in the performance of regular duties. The committee shall name one of its members as chairman. The committee shall meet on call by the chairman, or as needed to review the operations of the program and recommend in general: The kind of work performed, the training and development provided the enrollers, the public lands designated as project areas, and improvements in the general program.

Sec. 43.51.530 COMPOSITION OF YOUTH CORPS--QUALIFICATION, CONDITIONS, PERIOD OF ENROLLMENT, ETC. Composition of the corps shall consist of male individuals who are citizens of the United States and residents of the state of Washington of good character and health, and who are not less than sixteen nor more than twenty-one years of age. In order to enroll, an individual must agree to comply with rules and regulations promulgated by the commission.

The period of enrollment shall be for thirty, sixty or ninety days or for such shorter period as determined by the commission. If permitted by the commission an individual may reenroll, but his total enrollment shall not exceed forty weeks. Enrollment shall basically be allocated on a percentage basis to each of the forty-nine legislative districts on the basis of the ratio that the population of each district bears to the total population of the state of Washington, but the commission may also take into account problems of substantial unemployment in certain areas.

Sec. 43.51.540 COMPENSATION--QUARTERS--HOSPITAL SERVICES, ETC.

(1) The base compensation shall be at the rate of twenty-five dollars per week, except that an additional five dollars per week may be paid on the basis of assigned leadership responsibilities or special skills.

(2) Enrollees shall be furnished quarters, subsistence, medical and hospital services, transportation, equipment, as the commission may deem necessary and appropriate for their needs. Such quarters, subsistence, and equipment may be furnished by any governmental or public agency.

Sec. 43.51.545 BIWEEKLY PAYMENT OF COMPENSATION AUTHORIZED.

The compensation of enrollees of any program under RCW 43.51.500 through 43.51.570 may be paid biweekly.

Sec. 43.51.550 LAWS RELATING TO HOURS, CONDITIONS OF EMPLOYMENT, CIVIL SERVICE, ETC., NOT APPLICABLE. Existing provisions of law with respect to hours of work, rate of compensation, sick leave, vacation, civil service and unemployment compensation shall not be applicable to enrollees or temporary employees working under the provisions of RCW 43.51.500 through 43.51.570.

Sec. 43.51.560 EXPENDITURES, GIFTS, GOVERNMENT SURPLUS MATERIALS.

The commission may expend such amounts as necessary for supplies, material and equipment to be used by enrollees in connection with their work, recreation, health, or welfare; the commission shall purchase government surplus materials, supplies and equipment when available and as needed.

The commission may accept any gifts, grants or contributions of money, material, lands, or personal property as it deems

appropriate and may administer and dispose of them as it determines to be in the interests of the general public.

Sec. 43.51.570 AGREEMENTS WITH PRIVATE PERSONS TO ENROLL ADDITIONAL PEOPLE -- COMMERCIAL ACTIVITIES PROHIBITED -- AUTHORIZED CLOSURES OF AREA. The commission may, by an agreement with an individual or company enroll and supervise additional young men, who shall be furnished compensation, subsistence, quarters, supplies and materials by the cooperating private company or individual, to develop, maintain or improve natural and artificial recreational areas for the health and happiness of the general public. The corps shall not be engaged in the development, improvement or maintenance of a commercial recreational area or resort, and the individual or corporation entering such agreement with the commission shall make such improved areas available to the general public without cost for a period of at least forty years. Private individuals may reserve the right to close the area during periods of fire hazard or during periods when excess damage would be caused by public use.

Sec. 43.51.580 AGREEMENTS WITH AND ACCEPTANCE OF GRANTS FROM FEDERAL GOVERNMENT AUTHORIZED. The state parks and recreation commission is authorized to enter into agreements with and accept grants from the federal government for the support of any program within the purposes of RCW 43.51.500 through 43.51.570.

Sec. 43.51.590 LENGTH OF ENROLLMENT AND COMPENSATION IN ACCORDANCE WITH FEDERAL STANDARDS AUTHORIZED. Notwithstanding the provisions of RCW 43.51.530 and 43.51.540, the commission may determine the length of enrollment and the compensation of enrollees in accordance with the standards of any federal act or regulation under which an agreement is made with, or a grant is received from the federal government pursuant to RCW 43.51.580.

SEASHORE CONSERVATION AREA

43.51.650 DECLARATION OF PRINCIPLES. The beaches bounding the Pacific Ocean from the Straits of Juan de Fuca to Cape Disappointment at the mouth of the Columbia River constitute some of the last unspoiled seashore remaining in the United States. They provide the public with almost unlimited

opportunities for recreational activities, like swimming, surfing and hiking; for outdoor sports, like hunting, fishing, clamming, and boating; for the observation of nature as it existed for hundreds of years before the arrival of white men; and for relaxation away from the pressures and tensions of modern life. In past years, these recreational activities have been enjoyed by countless Washington citizens, as well as by tourists from other states and countries. The number of people wishing to participate in such recreational activities grows annually. This increasing public pressure makes it necessary that the state dedicate the use of the ocean beaches to public recreation and to provide certain recreational and sanitary facilities. Non-recreational use of the beach must be strictly limited. Even recreational uses must be regulated in order that Washington's unrivaled seashore may be saved for our children in much the same form as we know it today.

43.51.655 SEASHORE CONSERVATION AREA--ESTABLISHED. There is established for the recreational use and enjoyment of the public the Washington State Seashore Conservation Area. It shall include all lands now or hereafter under state ownership lying between Cape Disappointment and Leadbetter Point; between Toke Point and the South jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation and occupying the area between the present line of ordinary high tide and the line of extreme low tide, as this line now is or may hereafter be located: PROVIDED, That no such conservation area shall include any lands within the established boundaries of any Indian Reservation.

43.51.660 JURISDICTION OVER AND ADMINISTRATION OF AREA. Except as otherwise provided in RCW 43.51.650 through 43.51.705, the Washington State Seashore Conservation Area shall be under the jurisdiction of the Washington state parks and recreation commission, which shall administer RCW 43.51.650 through 43.51.705 in accordance with the powers granted it herein and under the appropriate provisions of chapter 43.51 RCW.

43.51.665 PRINCIPLES AND PURPOSES TO BE FOLLOWED IN ADMINISTERING AREA. The Washington state parks and recreation commission shall administer the Washington State Seashore Conservation Area in harmony with the broad principles set forth in RCW 43.51.650. Where feasible, the area shall be

preserved in its present state; everywhere it shall be maintained in the best possible condition for public use. All forms of public outdoor recreation shall be permitted and encouraged in the area, unless specifically excluded or limited by the commission. While the primary purpose in the establishment of the area is to preserve the coastal beaches for public recreation, other uses shall be allowed as provided in RCW 43.51.650 through 43.51.705, or when found not inconsistent with public recreational use by the Washington state parks and recreation commission.

43.51.670 COOPERATION AND ASSISTANCE OF FEDERAL, STATE AND LOCAL AGENCIES. In administering the Washington State Seashore Conservation Area, the Washington state parks and recreation commission shall seek the cooperation and assistance of federal agencies, other state agencies, and local political subdivisions. All state agencies, and the governing officials of each local subdivision shall cooperate with the commission in carrying out its duties. Except as otherwise provided in RCW 43.51.650 through 43.51.705, and notwithstanding any other provision of law, other state agencies and local subdivisions shall perform duties in the Washington State Seashore Conservation Area which are within their normal jurisdiction, except when such performance clearly conflicts with the purposes of RCW 43.51.650 through 43.51.705.

43.51.675 POWERS AND AUTHORITY OF DEPARTMENT OF FISHERIES AND DEPARTMENT OF GAME NOT INTERFERED WITH. Nothing in RCW 43.51.650 through 43.51.705 shall be construed to interfere with the powers, duties and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in RCW 43.51.650 through 43.51.705 be construed to interfere with the powers, duties and authority of the state department of game or the state game commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area, notwithstanding the provisions of RCW 9.61.040: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

43.51.680 CONTROL OF TRAFFIC ON OCEAN BEACH HIGHWAYS - REGULATION. For the protection and conservation of natural resources, and for the safety and enjoyment of the public using the beaches, the Washington state parks and recreation commission, after agreement with the Washington state highway commission, shall

establish reasonable regulations for the use and control of vehicular traffic on and along the ocean beach highways as designated and established under RCW 79.16.130, 79.16.160, and 79.16.170. The Washington state parks and recreation commission shall cooperate with county sheriffs and the state patrol in enforcing such traffic regulations: PROVIDED, That automobile driving shall be permitted on the beaches subject to the authority of the department of fisheries to prohibit driving over clam beds.

43.51.685 ACCRETED LANDS-JURISDICTION -OIL, GAS AND MINING LEASES ON ACCRETED OR CONSERVATION AREA LANDS-SALE OF SAND-DISPOSITION OF PROCEEDS. Subject to the qualification contained in RCW 43.51.690, any accreted lands now or hereafter under the jurisdiction of the department of natural resources shall remain under the jurisdiction of that department: PROVIDED, That no accreted lands shall be sold, leased, or otherwise disposed of, except as herein provided. The department of natural resources may lease the lands within the Washington State Seashore Conservation Area as well as the accreted lands along the ocean in state ownership for the exploration and production of oil and gas: PROVIDED, That oil drilling rigs and equipment will not be placed on the seashore conservation area or state-owned accreted lands. Sale of sand from accretions shall be limited to the needs of cranberry growers in the vicinity and shall not be prohibited if found by the department of natural resources to be reasonable, and not generally harmful or destructive to the character of the land; and such sales may be made by the department of natural resources from sands on the Washington State Seashore Conservation Area if approved by the state parks and recreation commission: PROVIDED FURTHER, That the department of natural resources may grant mining leases for the removal of "black sands" (minerals) from any state-owned nontrust accreted lands between the north jetty at the mouth of the Columbia River and a line due west from the North Head light-house: PROVIDED FURTHER, That net income from such leases shall be transmitted by the department of natural resources to the state treasurer for deposit in the state parks and parkways account in the general fund for expenditure by the state parks and recreation commission for the development and protection of the Washington State Seashore Conservation Area and state park developments operated in conjunction therewith: PROVIDED, The terms and conditions of such mining leases are agreeable to the state parks and recreation commission.

43.51.690 ACCRETED LANDS-SANITARY FACILITIES-SPUR ROADS.

The Washington state parks and recreation commission, after consultation with and agreement by the department of natural resources, shall have authority to establish sanitary facilities on, and spur roads through, accreted lands otherwise under the jurisdiction of the department of natural resources. The commission may decide where, when, and how such sanitary facilities and spur roads are to be built.

43.51.695 LINE OF HIGH TIDE BOUNDARY MONUMENTS OR MARKERS-LOCATION-OF-NOTICE-OBJECTIONS. Where state-owned lands have been formed by natural or artificial causes between the inner or landside boundary of the Washington State Seashore Conservation Area and adjacent privately owned lands, the department of natural resources:

(1) Shall monument or otherwise visibly mark on the ground, as the boundary between such state-owned lands and adjacent lands, the line of ordinary high tide as it existed on the date of Washington statehood; and

(2) Shall thereafter publish notice once a week for not less than six weeks in a newspaper of general circulation in the county where such lands are situated in order that objections to the location of any monument or visible marker may be filed with the state commission for harbor lines at any time within thirty days after the date of the last publication.

43.51.700 OBJECTION PROCEEDINGS SUBJECT TO ADMINISTRATIVE PROCEDURE ACT. Proceedings before the state commission for harbor lines as provided for in RCW 43.51.695 shall be deemed contested cases and subject to all applicable provisions governing contested cases, including judicial review, as is or may be provided by chapter 34.04 RCW.

43.51.705 FAILURE TO FILE OBJECTIONS - BAR TO CONTESTING LINE OF HIGH TIDE AS MONUMENTED OR MARKED. The state, its officers and agencies, persons filing objections with the state commission for harbor lines, and successors in interest to the state or persons filing objections shall be barred from contesting the statehood line of ordinary high tide as monumented or marked in compliance with the order of the state commission for harbor lines, or if no objections are filed, as monumented by the department of natural resources.

PRESERVATION OF HISTORIC PROPERTIES

43.51.750 DEFINITIONS. As used in RCW 43.51.750 through 43.51.820:

(1) The term "public agencies" includes all political subdivisions of the state of Washington.

(2) The term "project" means programs of state and local governments and other public bodies and private organizations and individuals for the acquisition of title or interests in, and for the development of any district, site, building, structure, or object that is significant in American and the state of Washington history, architecture, archeology, and culture, or property used in connection therewith, and for its development in order to assure the preservation for public benefit of any such historical properties.

(3) The term "historic preservation" includes the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington history, architecture, archeology, or culture.

(4) The term "director" means the director of the Washington state parks and recreation commission.

43.51.760 PARTICIPATION IN FEDERAL ACT PROGRAMS AUTHORIZED. The director of the Washington state parks and recreation commission is hereby authorized and empowered to take whatever action is necessary to enable the state to participate in the programs set forth in the federal act entitled "An Act to establish a program for the preservation of additional historic properties throughout the nation, and for other purposes" (Public Law 89-665; 80 Stat. 915). The director is also authorized and empowered to accept and disburse federal grants or federal matching or other funds or donations from any source when made, granted or donated for a purpose covered by said federal act.

43.51.770 POWERS AND DUTIES OF DIRECTOR. In addition to other powers and duties, the director of the Washington State parks and recreation commission is authorized--

(1) To promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Washington state history, architecture, archeology, and culture, hereinafter referred to as the state register, and to expend funds for the purpose of preparing comprehensive state-wide historic surveys and plans, in accordance with criteria established by the advisory council established pursuant to RCW 43.51.790, which shall comply with any standards and regulations promulgated by the secretary of interior for the preservation, acquisition, and development of such properties.

(2) To establish in accordance with criteria established by the secretary of the interior, a program of matching grants-in-aid to public agencies for projects having as their purpose the preservation for public benefit of properties that are significant in American or Washington history, architecture, archeology, and culture; and

(3) To accept grants from any and all public and/or private sources including, though not limited to, those provided pursuant to Public Law 89-665, 80 Stat. 915.

43.51.780 APPORTIONMENT OF GRANTS. The amounts made available for grants to the public agencies for projects under RCW 43.51.750 through 43.51.820 for each fiscal year shall be apportioned among the public agencies by the director in accordance with needs as disclosed in approved state-wide historic preservation plans.

43.51.790 ADVISORY COUNCIL ON HISTORIC PRESERVATION-MEMBERSHIP-TERMS-VACANCIES-QUORUM. (1) There is hereby established an advisory council on historic preservation (herein referred to as the "council") which shall be composed of eleven members as follows:

- (a) The director of the Washington state parks and recreation commission;
- (b) The director of the department of general administration;
- (c) The director of the Washington state historical society;
- (d) The director of the Eastern Washington state historical society;
- (e) The director of the state capitol historical society; and
- (f) Six persons to be appointed by the governor who are not officers or employees of the state government.

In making his appointments the governor shall give due consideration to the selection of officers of local governments and individuals who are significantly interested and experienced in the matters to be considered by the council.

(2) Each member of the council specified in paragraphs (a) through (e) of subsection (1) may designate another officer of his department or agency to serve on the council in his stead.

(3) Each member of the council appointed under paragraph (f) of subsection (1) shall serve for a term of five years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of from one to five years as designated by the governor at the time of appointment.

(4) A vacancy in the council shall not affect its powers, but shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(5) The chairman of the council shall be designated by the governor.

(6) Six members of the council shall constitute a quorum.

43.51.800 POWERS AND DUTIES OF ADVISORY COUNCIL. (1) The council shall --

(a) Advise the governor and the Washington state parks and recreation commission on matters relating to historic preservation; recommend measures to coordinate activities of state, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;

(b) Encourage public interest and participation in historic preservation;

(c) Advise as to guidelines for the assistance of local governments in drafting ordinances relating to historic preservation; and

(d) Encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation.

(2) The council shall submit annually a comprehensive report of its activities and the results of its studies to the governor and the Washington state parks and recreation commission and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as in the judgment of the council, are necessary and appropriate to carry out its recommendations.

43.51.810 EXPENSES OF COUNCIL MEMBERS. The members of the council specified in paragraphs (a) through (e) of RCW 43.51.790(1) shall serve without additional compensation. The members of the council appointed under paragraph (f) of RCW 43.51.790(1) shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the council as provided for state officials and employees generally in chapter 43.03 RCW.

43.51.820 EXECUTIVE DIRECTOR OF COUNCIL-FINANCIAL AND ADMINISTRATIVE SERVICES. The director of the Washington state parks and recreation commission or his designee shall be the executive director of the council. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the council by the Washington state parks and recreation commission, for which payments shall be made in advance, or by reimbursement, from funds of the council in such amounts as may be agreed upon by the chairman of the council and the director of the Washington state parks and recreation commission.

SCENIC AND RECREATIONAL HIGHWAY ACT OF 1967
CHAPTER 47.39

47.39.010 SYSTEM CREATED-STANDARDS. There is hereby created a scenic and recreational highway system. Highways in this system shall be developed and maintained in accordance with general standards for state highways of comparable classification and usage.

47.39.020 DESIGNATION OF PORTIONS OF EXISTING HIGHWAYS AS PART OF SYSTEM. The following portions of highways are

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designated as part of the scenic and recreational highway system:

(1) Primary state highway No. 2, or the Sunset highway, beginning at the CMSTPP Railroad overcrossing, highway department designation 2/609.5S, approximately 2.3 miles southeast of North Bend, thence in an easterly direction by the most feasible route by way of Snoqualmie Pass to the Cle Elum River bridge, highway department designation 2/510N, approximately 2.6 miles west of Cle Elum.

(2) Primary state highway No. 3, or the Inland Empire Highway, beginning at the upper Wilson Creek bridge, highway department designation 3/1003, approximately 33.4 miles north of Yakima, thence southerly by the most feasible route to the Selah-Moxee Canal bridge, highway department designation 3/910, approximately 5.4 miles north of Yakima.

(3) Primary state highway No. 1, or the Pacific highway beginning at Nugent's bridge over the Nooksack river, highway department designation 1AP/24, approximately 7.7 miles northeast of Bellingham, thence in an easterly direction to a point in the vicinity of Austin Pass in Whatcom county;

(4) Primary state highway No. 3, or the Inland Empire Highway, beginning at the Northern Pacific Railroad bridge, highway department designation 3/606, approximately 3.4 miles west of Dixie, thence in a northerly direction by the most feasible route by way of Dayton to a junction with primary state highway No. 3 in the vicinity of Dodge; also beginning at a junction with primary state highway No. 3, as herein described, in the vicinity of Dodge, thence in an easterly direction by the most feasible route by way of Pomeroy to a junction with a county road 2.38 miles west of a junction with primary state highway No. 3 in Clarkston; also beginning at the north end of the Mill Creek bridge, highway department designation 3/103, in the vicinity of Colville on primary state highway No. 3, then to a junction with secondary state highway No. 3P in the vicinity of the Kettle Falls bridge; also beginning at the upper Wilson Creek bridge, highway department designation 3/1003, approximately 33.4 miles north of Yakima, thence southerly by the most feasible route to the Selah-Moxee Canal bridge, highway department designation 3/910, approximately 5.4 miles north of Yakima;

(5) Primary state highway No. 4, or the Tonasket-San Poil highway, beginning at the Keller Ferry slip on the north side of Roosevelt Lake, thence in a northerly direction by the most feasible route to the Granite Creek bridge, highway department designation 4/9.75, approximately fifty-four miles north of the Keller Ferry;

(6) Primary state highway No. 6, or the Newport highway, beginning at Newport, thence in a northerly direction to a junction with secondary state highway No. 6A in the vicinity of Tiger;

(7) Primary state highway No. 7, or the North Central highway beginning at the point of primary state highway No. 7, as described in RCW 47.16.070, in the vicinity of Soap Lake, thence in a northerly direction by the most feasible route to a junction with primary state highway No. 2 west of Coulee City;

(8) Primary state highway No. 8, or the Evergreen highway, beginning at the Gibbons Creek bridge, highway department designation 8/302, approximately 0.9 miles east of Washougal, thence in an easterly direction by way of Stevenson to a junction with primary state highway No. 8 in the vicinity of Maryhill; also beginning at a junction with primary state highway No. 8, in the vicinity of Maryhill, thence in a southerly direction to connect with the approach to the Biggs Rapids toll bridge across the Columbia River; also beginning in the vicinity of Maryhill, running easterly along the north bank of the Columbia River to a point in the vicinity of Plymouth;

(9) Primary state highway No. 9, or the Olympic highway, beginning at the west end of the Black Lake road overcrossing in the vicinity of Olympia, thence in a westerly direction by way of Elma and Montesano to a junction with a county road approximately 2.82 miles west of the west end of the Wynoochee River bridge, highway department designation 9/435, approximately 1.2 miles west of Montesano; also beginning at a junction with secondary state highway No. 9C, in the vicinity of Queets, thence in a northeasterly direction by way of Forks to the west boundary of the Olympic National Park in the vicinity of Lake Crescent; also beginning at Sequim Bay State Park, thence in a southerly direction to a junction with Airport

Road north of Shelton; also beginning at a junction with a county road 2.64 miles south of the junction of primary state highway No. 9 with secondary state highway 14A in Shelton; thence in a southerly direction to a junction with primary state highway No. 9 in the vicinity west of Olympia;

(10) Primary state highway No. 11, or the Columbia Basin highway, beginning at a junction with secondary state highway No. 11G in the vicinity of Eltopia, thence in a southerly direction to the Northern Pacific Railroad overcrossing, highway department designation 11/301, approximately 2.6 miles north of Pasco;

(11) Primary state highway No. 16, or the North Cross State highway, beginning in the vicinity of Pateros on primary state highway No. 10, thence in a northerly and westerly direction by the most feasible route by way of Twisp, Diablo Dam, Marblemount and Concrete to the Hansen Creek bridge, highway department designation 16/271, approximately 6.0 miles west of Lyman.

(12) Secondary state highway No. 1D, beginning at a junction with primary state highway No. 1 in the vicinity southeast of Anacortes, thence southerly by way of Deception Pass, to a junction with Torpedo Road in the vicinity northeast of Oak Harbor; also beginning at a junction with Miller Road in the vicinity southwest of Oak Harbor, thence southeasterly to a junction with Sherman Road in the vicinity west of Coupeville; also beginning at a junction with Rhododendron Road in the vicinity east of Coupeville, thence southeasterly to a junction with Maxwellton Road in the southern portion of Whidbey Island; also beginning at a junction with secondary state highway No. 1D, as herein described, in the vicinity easterly of the Keystone ferry slip, thence westerly to the Keystone ferry slip;

(13) Secondary state highway No. 1R, beginning at a junction with primary state highway No. 1 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens and Spirit Lake to Mt. St. Helens;

(14) Secondary state highway No. 2F, beginning at a junction with primary state highway No. 2 in the vicinity north of Coulee City, thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee Dam;

(15) Secondary state highway No. 3P, beginning at a junction with primary state highway No. 3 at the west end of the Kettle Falls bridge over the Columbia river, highway department designation 3/5, thence in a westerly direction to a junction with secondary state highway No. 4A east of Republic;

(16) Secondary state highway No. 6A, beginning at Tiger on primary state highway No. 6, thence in a southwesterly direction by the most feasible route to a junction with a county road 2.76 miles east of a junction with primary state highway No. 3 in Colville;

(17) Secondary state highway No. 9A, beginning in the vicinity of Laird's Corner of highway No. 9, thence in a westerly direction to Neah Bay;

(18) Secondary state highway 9C, beginning at a junction with a county road 3.01 miles northwest of the junction with primary state highway No. 9 in Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with primary state highway No. 9 in the vicinity of Queets;

(19) Secondary state highway No. 9E, beginning at a junction with primary state highway No. 9 in the vicinity south of Discovery Bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal;

(20) Secondary state highway No. 11G, beginning in the vicinity of Eltopia on primary state highway No. 11, thence in a northwesterly direction to the south end of the overcrossing of primary state highway No. 18 in the vicinity of Moses Lake; also beginning at a junction with Grape Drive in the vicinity of Moses Lake, then northwesterly to a junction with primary state highway No. 7 in the vicinity of Soap Lake;

(21) Secondary state highway No. 12B, beginning at Point Ellice on primary state highway No. 12, thence in an easterly and northerly direction to a junction with primary state highway No. 12 in the vicinity north of Naselle;

(22) Secondary state highway No. 13A, beginning at Raymond on primary state highway No. 13, thence in a westerly direction by the most feasible route by way of Tokeland, North Cove to

the shore of Grays Harbor north of Westport; also beginning at Aberdeen on primary state highway No. 13, thence in a southwesterly direction by the most feasible route to a junction with secondary state highway No. 13A in the vicinity south of Westport.

(23) Secondary state highway 10A beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer city; thence in a northwesterly direction to the west end of the Omak Creek bridge east of Omak.

(24) Secondary state highway 3L, beginning at a junction with primary state highway 3 in the vicinity of Dayton, thence in a northeasterly direction by way of Whetstone and Marengo to a junction with primary state highway 3 west of Pomeroy.

(25) Primary state highway No. 21 on the Kitsap Peninsula highway beginning with a junction with primary state highway No. 9 in the vicinity of Union; thence northeasterly to a junction with Arsenal Way south of Bremerton; also beginning with Carr Boulevard north of Bremerton, thence northeasterly to Port Gamble.

47.39.030 DEVELOPMENT AND MAINTENANCE OF SYSTEM BY HIGHWAY COMMISSION AND PARKS AND RECREATION COMMISSION -- ALLOCATION OF COSTS. (1) The highway commission shall pay from motor vehicle funds appropriated for construction of state highways, the following costs of developing and constructing scenic and recreational highways: (a) Acquisition of the right of way necessary for state highway purposes, (b) construction of the portion of the highway designed primarily for motor vehicle travel, (c) exit and entrance roadways providing access to scenic observation points, (d) safety rest areas, (e) roadside landscaping within the portion of the highway right of way acquired by the highway commission for state highway purposes, (f) the uniform signs and markers designating the various features and facilities of the scenic and recreational highways, and (g) any additional costs of constructing and developing the scenic and recreational highways, including property acquisition adjacent to highways as authorized by RCW 47.12.250, for which the highway commission shall receive reimbursement from the federal government or any other source.

(2) The parks and recreation commission shall pay the costs of developing and constructing the scenic and recreational

highways not provided for in subsection (1) of this section from any funds appropriated for such purposes.

(3) The costs of maintaining the scenic and recreational highway system shall be allocated between the highway commission and the parks and recreation commission in the same manner that costs of developing and constructing such highways are allocated in subsections (1) and (2) of this section.

47.39.040 PLANNING AND DESIGN STANDARDS TO BE ESTABLISHED BY OFFICE OF COMMUNITY AFFAIRS. The establishment of planning and design standards for items provided for in RCW 47.39.050 shall be coordinated by the state office of community affairs. The highway commission, parks and recreation commission, and any other departments or commissions whose interests are affected shall prepare, submit and file with the state office of community affairs standards relating to the scenic and recreational highway system. In the event varying planning and design standards are filed, the state office of community affairs shall consult with the submitting agencies on the merits of the several proposals and, based upon such consultation, establish a set of standards. Pursuant to the planning and design standards so established, the highway commission and parks and recreation commission shall develop the highways and areas adjacent thereto to accomplish the purposes of this chapter: PROVIDED, That the highway commission shall retain exclusive authority over the highway right of way.

Responsibility for construction and maintenance is hereby established between the highway commission and the parks and recreation commission with the highway commission responsible for activities financed with funds provided for under RCW 47.39.030(1) and the parks and recreation commission responsible for activities financed from other sources of funds. By mutual consent, responsibility for development and/or maintenance may be transferred between the two commissions.

47.39.050 FACILITIES AND FACTORS TO BE CONSIDERED. Planning and design standards established for highways falling within the scenic and recreational highways system may include, but shall not be limited to, provision for the following:

(1) Hiking, bicycle, and bridle trails, including regulations for their use;

- (2) Campsites and shelter;
- (3) Boat launching sites;
- (4) Access trails to lakes, rivers and streams, and easements along their shores;
- (5) Safety rest areas;
- (6) Historic and geologic interpretative facilities;
- (7) Scenic observation facilities;
- (8) Roadside landscaping, restoration and aesthetic enhancement;
- (9) Specifically delineated highway corridors and means for the preservation of natural beauty, historic sites, or viewpoints;
- (10) A uniform system of signs and markers designating the various features and facilities of the scenic and recreational highway systems.

47.39.060 DESIGNATION OF SYSTEM ON MAPS OR OTHER DESCRIPTIVE MATERIAL. The highway commission and parks and recreation commission shall on any maps, or in any relevant descriptive material they may prepare at state expense, include reference to those portions of highways designated in RCW 47.39.020 by appropriate color or code designation.

47.39.900 SHORE TITLE. RCW 47.39.010 through 47.39.910 shall constitute a new chapter in Title 47 RCW and shall be known and may be cited as the "Scenic and Recreational Highway Act of 1967".

47.39.910 SEVERABILITY-1967 ACT. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

CHAPTER 70.88 CONVEYANCES FOR PERSONS IN RECREATIONAL ACTIVITIES

70.88.010 SAFE AND ADEQUATE FACILITIES AND EQUIPMENT REQUIRED OF OWNER AND OPERATOR-OPERATOR NOT COMMON CARRIER. Every owner or operator of any recreational device designed and operated for the conveyance of persons which aids in promoting entertainment, pleasure, play, relaxation, or instruction, specifically including devices generally associated with winter sports activities such as ski lifts, ski tows, j-bars, t-bars, ski mobiles, chair lifts, and similar devices and equipment, shall construct, furnish, maintain, and provide safe and

adequate facilities and equipment with which safely and properly to receive and transport all persons offered to and received by the owner or operator of such devices, and to promote the safety of such owner's or operator's patrons, employees and the public. The owner or operator of the devices and equipment covered by this section shall be deemed not to be a common carrier.

70.88.020 PLANS, SPECIFICATIONS TO BE SUBMITTED TO STATE PARKS AND RECREATION COMMISSION-APPROVAL-PENALTY. It shall be unlawful after the effective date of this chapter to construct or install any such recreational device as set forth in RCW 70.88.010 without first submitting plans and specifications for such device to the state parks and recreation commission and receiving the approval of the commission for such construction or installation. Violation of this section shall be a misdemeanor.

70.88.030 ORDERS DIRECTING REPAIRS, IMPROVEMENTS, CHANGES, ETC.-NOTICE-FORBIDDING OPERATION. The state parks and recreation commission shall have the authority and the responsibility for the inspection of the devices set forth in RCW 70.88.010 and in addition shall have the following powers and duties:

(1) Whenever the commission, after hearing called upon its own motion or upon complaint, finds that additional apparatus, equipment, facilities or devices for use or in connection with the transportation or conveyance of persons upon the devices set forth in RCW 70.88.010, ought reasonably to be provided, or any repairs or improvements to, or changes in, any theretofore to be provided, or any repairs or improvements to, or changes in construction should reasonably be made thereto, in order to promote the security and safety of the public or employees, it may make and serve an order directing such repairs, improvements, changes, or additions, to be made.

(2) If the commission finds that the equipment, or appliances in connection therewith, or the apparatus, or other structures of the recreational device set forth in RCW 70.88.010 are defective, and that the operation thereof is dangerous to the employees of the owner or operator of such device or to the public, it shall immediately give notice to the owner or operator of such device of the repairs or reconstruction necessary to place the same in a safe condition, and may prescribe the time within which they shall be made. If, in its

opinion, it is needful or proper, the commission may forbid the operation of the device until it is repaired and placed in a safe condition.

70.88.040 PENALTY FOR VIOLATION OF CHAPTER OR RULES, ETC., OF PARKS AND RECREATION COMMISSION. Any violation of this chapter or the rules, regulations and codes of the state parks and recreation commission relating to public safety in the construction, operation and maintenance of the recreational devices provided for in this chapter shall be a misdemeanor.

70.88.050 INSPECTOR OF RECREATIONAL DEVICES-EMPLOYEES. The state parks and recreation commission shall employ or retain a person qualified in engineering experience and training who shall be designated as the inspector of recreational devices, and may employ such additional employees as are necessary to properly administer this chapter. The inspector and such additional employees may be hired on a temporary basis or borrowed from other state departments, or the commission may contract with individuals or firms for such inspecting service on an independent basis. The commission shall prescribe the salary or other remuneration for such service.

70.88.060 POWERS AND DUTIES OF INSPECTOR-CONDEMNATION OF EQUIPMENT-ANNUAL INSPECTION. The inspector of recreational devices and his assistants shall inspect all equipment and appliances connected with the recreational devices set forth in RCW 70.88.010 and make such reports of his inspection to the commission as may be required. He shall, on discovering any defective equipment, or appliances connected therewith, rendering the use of the equipment dangerous, immediately report the same to the owner or operator of the device on which it is found, and in addition report it to the commission. If in the opinion of the inspector the continued operation of the defective equipment constitutes an immediate danger to the safety of the persons operating or being conveyed by such equipment, the inspector may condemn such equipment and shall immediately notify the commission of his action in this respect: PROVIDED, That inspection required by this chapter must be conducted at least once each year.

70.88.070 COSTS OF INSPECTION-LIEN-DISPOSITION OF FUNDS. The expenses incurred in connection with making inspections under this chapter shall be paid by the owner or operator of such recreational devices either by reimbursing the commission for

the costs incurred or by paying directly such individuals or firms that may be engaged by the commission to accomplish the inspection service. Payment shall be made only upon notification by the commission of the amount due. No fee in excess of ten dollars an hour shall be charged and in no event shall the total cost for each inspection exceed the sum of two hundred and fifty dollars. In determining the costs to be assessed hereunder, the commission must approximate the reasonable costs necessary in order to accomplish the purposes of this chapter. The costs as assessed by the commission shall be a lien on the equipment of the owner or operator of the recreational devices so inspected. Such moneys collected by the commission hereunder shall be paid into the parks and parkways account of the general fund.

70.88.080 STATE IMMUNITY FROM LIABILITY-ACTIONS DEEMED EXERCISE OF POLICE POWER. Inspections, rules and orders of the department resulting from the exercise of the provisions of this chapter shall not in any manner be deemed to impose liability upon the state for any injury or damage resulting from the operation of the facilities regulated by this chapter, and all actions of the department and its personnel shall be deemed to be an exercise of the police power of the state.

70.88.090 RULES, REGULATIONS, AND CODES. The state parks and recreation commission is empowered to adopt reasonable rules, regulations, and codes relating to public safety in the construction, operation and maintenance of the recreational devices provided for in this chapter. The rules, regulations, and codes authorized hereunder shall be in accordance with established standards, if any, and shall not be discriminatory in their application.

70.88.100 JUDICIAL REVIEW. The procedure for review of the orders or actions of the state parks and recreation commission, its agents or employees, shall be the same as that contained in RCW 81.04.170, 81.04.180, and 81.04.190.

ATTACHMENT C.7.B.

CONCESSIONS AND LEASES

WAC 352-24-010 APPROVAL OF CONCESSIONS AND LEASES. The Commission shall approve, or disapprove, all concessions and leases, and may, in its discretion, authorize the Director to sign any lease or concession agreement on behalf of the Commission, which authorization shall be incorporated into the minutes of the regular or special meeting at which it is granted.

WAC 352-24-020 PRESERVATION AND USE. (1) The Laws of 1921 and all Acts Amendatory thereto creating the Washington State Parks and Recreation Commission prescribe both preservation and use of the parks and parkways administered by the Commission. To harmonize these objectives to the greatest extent possible, it shall be the policy of the Commission to permit the development of accommodations and facilities within the areas administered by the Commission only to the extent that such accommodations and facilities are necessary and appropriate for the public use and enjoyment of the areas.

(2) The number of sites and the locations and the sizes of the tracts of land assigned for necessary accommodations and facilities shall be held to the minimum essential to the proper and satisfactory operation of the accommodation or facility authorized to be installed and operated. Such developments as are permitted shall be constructed so as to be as harmonious as possible with their surroundings. To this end, plans and specifications for buildings and other structures to be erected by the concessionaire shall be prepared at the expense of the concessionaire and submitted to the Commission for approval before construction is begun. Such plans, when approved, shall be adhered to by the concessionaire in erecting the structures authorized.

(3) In areas where the need would be in the nature of a refreshment stand, the structure will be constructed by the Commission at the discretion of the Commission.

WAC 352-24-030 MERCHANDISING. (1) Merchandising within the areas administered by the Commission shall be limited, in general, to those items and services appropriate or necessary for the public use and enjoyment of the areas.

(2) All such merchandising shall be subject to the right of the Commission to determine and control the nature, type, and sales price of merchandise or service sold in the area; provided, however, that the Commission may not regulate or adjust such prices below an amount that would allow a reasonable return and profit to the concessionaire nor below an amount comparable to prices on like merchandise and services in similar recreational areas in that region.

WAC 352-24-040 ACQUISITION AND OWNERSHIP OF FACILITIES BY THE COMMISSION. (1) The Commission policy is that concession facilities should be operated under contract with private concessionaires wherever feasible.

(2) It is the desire of the Commission to assure the concessionaire of the security of their investments in buildings, structures, and other improvements provided by them on state owned or administered lands for the purposes of a concession contract to the fullest extent of the existing authority of the Commission. Accordingly, while reserving in the State of Washington legal title to such buildings, structures, and other improvements, it shall be the policy of the Commission to recognize that in order to encourage proper development and maintenance of a

concession, it may be appropriate to grant possessory rights to concessionaires.

WAC 352-24-050 DEFINITIONS. (1) "Concessionaire's Improvements", as used herein shall mean all buildings, fixtures, equipment, and other improvements or parts thereof placed upon lands assigned in the particular contract that have been erected or may be erected in the future with the Commission's consent by the concessionaire.

(2) "State Improvements", as used herein, shall mean all buildings, fixtures, equipment, and other improvements or parts thereof placed upon lands assigned in the particular contract, that have been erected or constructed with state finances.

(3) "Possessory Interest", as used herein, shall mean all incidents of ownership, except the right to free transfer or mortgage and legal title, which title shall be vested in the State of Washington. "Possessory Interest" shall not be construed to include or imply any authority, privilege, or right to operate or engage in any business or other activity, and the use or enjoyment of a structure, fixture, or improvement in which the concessionaire has a possessory interest shall be wholly subject to the applicable provisions of the contract and of laws and regulations relating to the area. A possessory interest shall not be extinguished by the expiration or other termination of the concession contract and may not be taken for public use or transferred to a successor without just compensation. The said possessory interest may be assigned, transferred, or relinquished prior to expiration or termination, but all such transactions shall require the written approval of the Commission. A possessory interest may be used as collateral for a loan, but such a transaction shall require approval by the Commission; provided, that such approval will be deemed to have been given if the Commission fails to act within forty days after being notified of the proposed transaction.

(4) "Just Compensation", as used herein, shall mean an amount equal to the sound value of such structure, fixture, or improvement at the time of taking by the state or transfer to another party determined upon the basis of reconstruction cost less depreciation evidenced by its condition and prospective serviceability in comparison with a new unit of like kind, but not to exceed fair market value.

WAC 352-24-060 ABANDONMENT OR DESTRUCTION OF IMPROVEMENTS. (1) In the event that a concessionaire's improvement is removed, abandoned, demolished, or substantially destroyed, and no other improvement is constructed on the site, the concessionaire shall, promptly upon the request of the Commission, restore the site as nearly as possible to a natural condition.

(2) Any salvage resulting from the removal, severance, or demolition of a concessionaire's improvements or any part thereof shall be the property of the concessionaire.

WAC 352-24-070 COMPENSATION FOR CONCESSIONAIRE'S POSSESSORY INTEREST. (1) If for any reason the concessionaire shall cease to be authorized to conduct the operations authorized hereunder, or any of them, and thereafter such operations are to be conducted by a successor, whether a private person or an agency of the state, the concessionaire shall sell and transfer to the successor designated by the Commission the possessory interest in concessionaire's improvements and all other property of the concessionaire used or held for use

in connection with such operations; and the Commission will require such successor, as a condition to the granting of a permit or contract to operate, to purchase from the concessionaire such possessory interest and other property, and to pay the concessionaire the just compensation therefor.

(2) If the Commission shall determine that, during the term of the contract or upon its termination for any reason, it is in the public interest to discontinue the operations authorized thereunder, or any of them, and/or to abandon, remove, or demolish any of the concessionaire's improvements, then the Commission will, before making such determination effective, request of the legislature appropriations sufficient to assure the concessionaire of just compensation for his possessory interest in such improvements, and receive such appropriations; provided, that the just compensation to be paid to the concessionaire shall be diminished by any debts due from the concessionaire to the Commission and any damage or nonperformance claims by the Commission against the concessionaire.

WAC 352-24-080 COMPENSATION TO THE STATE FOR IMPROVEMENTS PLACED BY THE STATE. Private persons or corporations having concession or lease agreements with the Commission at the time of adoption of this policy, may submit proposals to modify, renew, and extend the existing agreements to provide for such a possessory interest and may include in their proposals the acquisition from the state of such a possessory interest in state improvements, which are part of the outdoor recreation facilities of the area, provided that the price to be paid to the state shall be computed by the same formula as set forth above for determining just compensation to the private person or corporation.

WAC 352-24-090 GENERAL PROVISIONS. Before calling for a bid for a concession, franchise, or lease, a plan of operation, plans, specifications, and conditions shall be prepared by the Commission in such a manner that all bidders will be bidding on an identical plan.

WAC 352-24-100 BIDDING PROCEDURES. Insofar as practical, all concessions shall be granted on competitive bids and a formal sealed bid procedure shall be used as standard procedure; provided, that sealed competitive bidding shall not be necessary for:

(1) An emergency, if such sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Concessions producing an annual gross revenue not exceeding \$500 but in all such concessions quotations shall be secured from enough vendors to assure establishment of a competitive price; and

(3) Concessions which are clearly and legitimately limited to a single source of supply or involving special facilities, services, or market conditions, in which instance the concession prices may be best established by direct negotiations.

WAC 352-24-110 NOTIFICATION TO BIDDER. Bids for concessions shall be solicited by public notice, and through the sending of notices by mail to bidders who shall have made application to the Commission. Bids may be solicited from any source thought to be of advantage to the state. All bids shall be in writing and conform to rules of the Commission.

WAC 352-24-120 THE HIGHEST AND BEST BID. Concessions granted through competitive bidding shall be let to the highest responsible bidder: Provided, that whenever there is reason to believe that the highest responsible bid is not the best bid obtainable, all bids may be rejected and the Commission may call for new bids (or enter into direct negotiations to achieve a better bid). Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. In determining "highest responsible bidder", in addition to price, the following elements shall be given consideration:

- (1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- (2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (3) Whether the bidder can perform the contract within the time specified;
- (4) The quality of performance of previous contracts or services;
- (5) The previous and existing compliance by the bidder with laws relating to the contract or services;
- (6) Such other information as may be secured having a bearing on the decision to award the contract.

WAC 352-24-130 COMMISSION'S ACCEPTANCE. The Commission may reject the bid of any bidder who has failed to meet any of the requirements of WAC 352-24-120 herein, and further reserves the right to reject all bids and consider the matter anew.

WAC 352-24-140 BOND REQUIREMENT. When any bid has been accepted, the Commission may require of the successful bidder a bond payable to the state in such amount with such surety or sureties as determined by the Commission, conditioned that he will fully, faithfully, and accurately execute the terms of the contract into which he has entered. The bond shall be filed in the office of the Commission. Bidders who regularly do business with the Commission shall be permitted to file with the Commission an annual bid bond in an amount established by the Commission and such annual bid bond shall be acceptable as surety in lieu of furnishing surety with individual bids.

WAC 352-24-150 TRANSACTIONS INVOLVING INTEREST OF CONCESSIONAIRE. Concessions, franchises, leases, and easements granted by the Commission shall be assignable by the grantee thereof only if the Commission gives written approval of the designated assignee. In order to better judge the acceptability of the designated assignee, the Commission may require such background information as may be necessary.

WAC 352-24-160 ADVERTISING. (1) Lessees using promotional and publicity material shall include a credit line in such material indicating the respective areas as part of the Washington State Parks and Recreation Commission system. The credit line to read: Facility under lease, operated in conjunction with Washington State Parks and Recreation Commission.

(2) All signing to be placed by concessionaires within the respective areas, whether advertising, or of whatever nature, shall require prior written approval of the Commission.

WAC 352-24-170 CONCESSIONAIRE'S EMPLOYEES. (1) The concessionaire will agree to conduct his business in a manner so as to give efficient, safe, and courteous service to the public, and conform to all rules and regulations and orders relative to the operation of the park.

(2) The concessionaire shall not employ or retain in its service or permit to remain upon any of the premises provided under the respective contracts, any person found by the Commission to have violated paragraph (1) above.

WAC 352-24-180 ANTI-DISCRIMINATION. Concessionaire shall not discriminate on the basis of race, color, religion, national origin, sex, or age (unless for bona fide occupational reasons) in the solicitation of applicants for employment, the hiring of employees, and the treatment of employees. Concessionaire shall not discriminate on the basis of race, color, religion or national origin in the dispensing of services and goods to the public. In any written contracts concessionaire shall make with suppliers of goods or services to concessionaire, the concessionaire shall insert the provisions of this paragraph so as to be applicable to the supplier.

WAC 352-24-190 REPRESENTATION OF COMMISSION ENDORSEMENT. Neither concessionaire nor any of its shareholders or agents shall, in connection with raising any investment funds, represent to anyone that concessionaire has the endorsement, support, or approval of the state for any new development or new plan of action when no such endorsement, support or approval has been given in writing.

WAC 352-24-200 SALE OF MAJORITY STOCK INTEREST IN CORPORATION. The Commission shall reserve the right of approval of any stock sale or transfer which, in its opinion, might result in a change in the management of any corporate concessionaire.

WAC 352-24-210 APPROVAL OF SUB-CONCESSION CONTRACTS. All contracts and agreements proposed to be entered into by the concessionaire with respect to the exercise by others of the privileges granted by the specific contract shall be submitted to the Commission for approval prior to their effective date.

WAC 352-24-220 VIOLATION OF LEASE. The Director shall, where a concessionaire is in violation of his lease, be directed to prepare and properly serve notice of intention to forfeit said lease; provided, that no action shall be taken upon the actual forfeiture until the next regular meeting of the Commission and after majority vote of the Commission.

WAC 352-24-230 PREFERENTIAL RIGHT. (1) The Commission recognizes the investments of existing concessionaires in their concessions. Therefore, in the event existing concessionaires have performed in a manner satisfactory to the state, they shall have a preferential right to:

(a) Continue the existing concession when the concession contract expires, and,

(b) Undertake any construction or operation of any new accommodations or facilities desired by the Commission.

(2) The Commission also recognizes that an existing concessionaire may be unwilling or unable to construct or operate new accommodations or facilities. Therefore, the Commission shall reserve the right either, on its own, or through a new concessionaire, to construct or operate new accommodations or facilities.

WAC 352-24-240 INSURANCE REQUIREMENT. (1) The concessionaire shall at the direction of the Commission carry reasonable insurance on concessionaire or state properties against losses by fire, windstorm, or other hazards.

(2) Concessionaire shall maintain policies of public liability insurance in such amounts as the Commission may require to protect the state from claims of injury or damage arising from concessionaire's operations. Concessionaire shall hold the state free and clear of all such claims.

(3) When directed to do so, concessionaire will file certified copies of insurance policies required under this paragraph with the Commission.

WAC 352-24-250 CONTRACT, FRANCHISE, OR LEASE FEES.

(1) It shall be the policy of the Commission that fees be commensurate with

(a) the value to the concessionaire of the opportunity granted to them to do business within the areas administered by the Commission; and

(b) the services and facilities furnished by the state for which no separate fee is charged. Accordingly, as a general policy, fees will be based on percentage of gross revenues.

(2) Since concession operations vary greatly in size, location, seasons, and other pertinent respects, the Commission will, however, negotiate fee provisions differing from that mentioned above, when circumstances justify such action.

(3) When contract parties fail to reach agreement on contract fees in process of renegotiation, the matter will be submitted to arbitration as provided below.

WAC 352-24-260 AUDITS, ACCOUNTING RECORDS AND REPORTS.

(1) The concessionaire shall be required to maintain such permanent books of account and records, including inventories, as may be prescribed by the Commission, and as are sufficient to show specifically the item of gross income and expense, receipts and disbursements, and such other information as will correctly reflect the financial condition and results of operations. The books and records as required shall be kept available at all reasonable times for inspection by the Commission or its authorized representative.

(2) It shall be the policy of the Commission to audit and inspect the concessionaire's books and records in order to protect the public

interest. The Commission recognizes that only through adequate audits and inspections, can data on the financial condition and the results of a concessionaire's operations be determined. Such data is recognized as essential in planning for expansion of facilities and services with concessionaires and carrying out the principle of providing a maximum of services to the public at a minimum of cost.

(3) The Commission may require an audit of the concessionaire's books by an authorized public accountant whenever the Commission has determined there is reasonable cause therefor. If such audit shows a variation of 10 per cent the concessionaire must pay for the audit if he is to continue his lease, if less than 10 per cent the cost of the audit to be borne by the State Parks and Recreation Commission. Copies of the certified public accounting audit report shall be made available to the Commission.

WAC 352-24-270 PROVISION FOR ARBITRATION. Whenever the concessionaire and a successor, or the concessionaire and the Commission, cannot agree on what just compensation for the concessionaire's possessory interest according to WAC 352-24-050 (3) may be, or whenever the concessionaire and the Commission cannot agree on the fees to be paid the Commission by the concessionaire, or whenever the existing concessionaire and new concessionaire cannot agree, or whenever the concessionaire and the Commission cannot agree on any matter pertaining to the concession contract, the matter at issue shall be submitted to arbitration and such arbitration shall be binding. Each party to the dispute will appoint one arbitrator who together will choose a third arbitrator. The arbitration shall be governed by the state arbitration act, contained in RCW 7.04.

WAC 352-24-280 TEMPORARY CONCESSION PERMITS. (1) In consideration of a need in certain park areas for the occasional and temporary provision of goods and/or services to the public to enhance their recreational experience, it shall be the policy of the Commission to permit the temporary selling of approved goods and/or services to the public by private concessionaires.

(2) The Director of the Washington State Parks and Recreation Commission may, when a need for temporary concession services be evident, negotiate and grant such temporary concession permits as are necessary to provide adequate, temporary service to the public under such conditions as are necessary to protect the public, the park features, and facilities, and the interest of established concessionaires, such temporary concession permits not to exceed seven days.

REFERENCES

1. Legislative Budget Committee. 1970. User fees and charges for state outdoor recreation services, report no. 70-11. Olympia, Washington.
2. Legislative Budget Committee. 1973. State financing for watercraft related outdoor recreation facilities, report no. 72-5. Olympia, Washington.

C.8 PROFILE OF
TEXAS PARKS AND WILDLIFE COMMISSION

A. STATUTORY AUTHORITY AND RESPONSIBILITIES

Texas' parks and wildlife activities are administered by the Parks and Wildlife Department under the policy direction of the Parks and Wildlife Commission. The Commission has the authority to appoint the Executive Director of the Parks and Wildlife Department, who serves at the Commission's pleasure. The Executive Director has the authority to appoint heads of divisions, game and fish wardens, park managers and other employees necessary for administering the duties and services of the Parks and Wildlife Department. The Parks and Wildlife Commission was expanded by three additional members by Chapter 770, Regular Session of 1971. The original act was Chapter 58, Regular Session of 1963.

The basic authority for the Commission to appoint the Executive Director and to formulate parks and wildlife policy is contained in Section 3 of Chapter 720, 1971, while the authority for the Department to administer commission policy is contained in Section 5 of the same Chapter. The authority to perform acts under the provisions of specified Federal laws relating to fish and wildlife restoration (PL 75-415 and PL 81-681) is granted in Section 6. The basic law is included as Attachment C.8.A.

B. ADMINISTRATIVE ORGANIZATION

The Commission consists of 6 members appointed for terms of six years each with the terms of two members expiring on 31 January of odd numbered years. Members are appointed by the Governor subject to confirmation by two-thirds of the

C.8.1

Members of the Senate present and voting. Since four years are required to appoint a majority of the Commission, it is difficult for a new administration to cause abrupt changes in the operation of the Department.

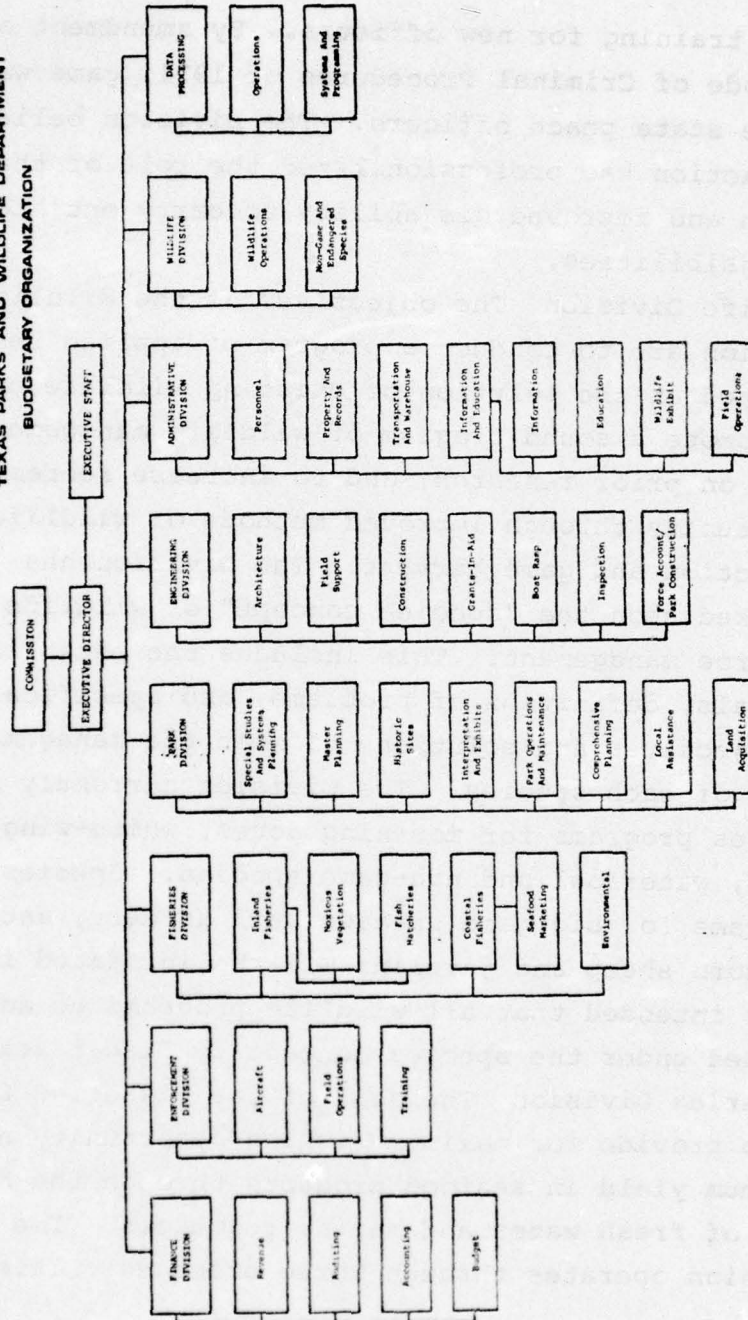
The Parks and Wildlife Department is organized into four operating divisions (Park, Enforcement, Wildlife, and Fisheries) and four administrative and support divisions (Data Processing, Finance, Engineering, and Administration).

An organization chart is shown in Figure C.8.1.

1. **Park Division** The basic purpose of the Park Division is to carry out the department's responsibilities for the short term, long term and day-to-day affairs of the State Park System. These purposes are accomplished through various functions classified as comprehensive planning, state park systems planning and special studies, park acquisition, park master site planning, historic sites planning and recreation, interpretive planning and restoration, interpretive planning and exhibits preparation, local park planning assistance, and park operations, maintenance, and minor repairs.
2. **Enforcement Division** This Division is charged with the enforcement of over 1,000 general and special laws by virtue of Articles 978-3a P.C., 4018 Revised Civil Statutes (R C S), 4052 R C S, 7621d R C S, 698 c P.C., 4026 R C S, 4075 R C S, and Article 9206 Vernon's Annotated Civil Statutes. The Division maintains a game warden field force of over 500 officers with an average of 3,000 patrol miles per month per officer. The Division conducts intensified law enforcement

Figure C.8.1

TEXAS PARKS AND WILDLIFE DEPARTMENT
BUDGETARY ORGANIZATION



cadet training for new officers. By amendment of the Code of Criminal Procedures of 1971, game wardens became state peace officers. The Division believes this action has professionalized the role of the game warden and improved his ability to carry out his responsibilities.

3. Wildlife Division The objectives of the Wildlife Division are to conduct a program of applied research directed at the solution of existing wildlife problems, to promote a sound program of wildlife management based on prior research, and to increase recreational opportunity through improved methods of wildlife production and game harvest. The Division has embarked upon the "species concept" of wildlife resource management. This includes the establishment of goals, definition of problems, and specification of objectives and solutions to meet the management goals of each species. The Division currently has species programs for mourning doves, white-winged doves, waterfowl and non-game species. Species programs for big game species such as deer, antelope, big-horn sheep and javelina will be initiated in 1975. It is intended that all wildlife programs be accomplished under the species concept by Fiscal Year 1976.
4. Fisheries Division The goal of the Fisheries Division is to provide for maximum fishing opportunity and optimum yield in seafood products through the management of fresh water and marine resources. The Division operates through three branches: Inland

Fisheries; Coastal Fisheries; and, Environmental. The main objective of Inland Fisheries is to increase sport fishing recreational benefits by providing more fish, providing for greater use of existing fishery resources, and protection of fish habitats. The goal of the Coastal Fisheries Branch is to provide for a maximum sustained yield in both sport fishing opportunities and in seafood products. This is accomplished through research to protect and conserve principle marine life in the coastal waters, permitting the taking of sand, shell, gravel and fill material in such a way as to protect and conserve the marine fisheries habitat, implementing a program for expansion of the market for seafood, and enhancing recreational opportunities in the harvest of marine resources. The Environmental Branch has the Parks and Wildlife Department responsibility for reviewing environmental impact statements. This branch also has a water pollution control section. The pollution chemists not only monitor the state waterways, but also have the authority to arrest pollution violators.

5. Data Processing Division This is an administrative support Division. It provides the statistical analysis and processing of data collected by the operational divisions. One of its newer activities is the implementation of a project accounting system to facilitate zero-base budgeting requirements which are discussed later in this profile.
6. Finance Division The Finance Division is responsible for receiving, processing, and recording all revenue

as well as the processing and payment of all billings.

7. Engineering Division This Division manages the Department's real property development and major repair programs, and is responsible for construction contracts and for the preventive maintenance program of the Department.
8. Administrative Division This Division is responsible for personnel, payroll and leave reporting, new employee orientation, classification studies, and staffing level validations. It also maintains an inventory of over 36,000 items of capitalized property and a centralized warehouse for office supplies and equipment, uniforms, and various items of surplus equipment.

C. BUDGETING, SOURCES OF FUNDS, AND UNIT COSTS

For the 1976-1977 biennium, there are six revenue accounts to support the Parks and Wildlife Department. These are as follows:

	Requested	
	1976	1977
General Revenue Fund No. 1 (Appropriated from Treasury)	\$12,243,250	\$14,525,171
Special Game and Fish Fund No. 9 (4386b, R C S)	20,286,855	20,691,192
Texas Park Fund No. 31 (6070h, R C S)	11,707,682	13,444,002
Special Boat Fund No. 59 (9.13 V C T S)	5,840,659	6,194,160
Special Parks Fund No. 64 (6070a, R C S)	1,223,960	1,156,175

	Requested	
	<u>1976</u>	<u>1977</u>
Federal Land & Water Cons. Fund 223 (6081r, R C S)	\$ 7,141,264	\$ 7,734,835
TOTALS	\$58,443,670	\$63,745,535

In its 1976 budget request, approximately 79% of its revenue is derived from dedicated funds, not dependent on revenue from the general tax fund. The dedicated funds are appropriated but their availability is much more certain than general funds from the treasury because license sales have shown a 66% increase in the past ten years. Also, the level of interest and participation has been reflected in a 6% license sales increase in 1972-1973 when 1,599,905 licenses were sold.

Although the Governor is legally responsible for the preparation of the Texas budget, the Legislative Budget Board which is an instrument of the Texas legislature prepares its own budget. The Legislative Budget Board issued instructions in the Spring of 1974 for the preparation of a zero-base budget for all Departments other than Education. The basic introduction to zero-base budgeting is included as Attachment C.8.B(1).

The Parks and Wildlife Department, along with all other state departments other than education, has submitted its budget for the 1976-1977 biennium utilizing zero-base budgeting concepts. This is unique among the states. It forces identification of unit costs and requires budget justification of various levels of services or activities. Samples of this first submission are discussed and shown in Attachment C.8.B(2) and C.8.B(3).

Although activity decision packages have been prepared for all programs and activities within the Department, one operating activity has been randomly selected for inclusion as Attachment c.8.B(2). The interpretive planning and exhibit preparation activity of the park location and development program shows the current (1974-1975) budget and average costs per unit of activity. It then shows several levels of activity for the next biennium (budget years 1976-1977) with the zero base level first and various additional increments of service above that base.

A primary capital activity, state park acquisition of the facility location and development program has been included as Attachment C.8.B(3).

D. PAYMENT IN LIEU OF TAXES

The Texas legislature, by Chapter 702, 1967 Regular Session, has authorized payments in lieu of property taxes to counties and school districts under certain conditions. Section 1 of the above referenced Chapter follows:

"SECTION 1. The Parks and Wildlife Department in hereby authorized and directed to expend funds to counties and school districts for assessments in lieu of property taxes on wildlife management areas purchased from federal funds or grants authorized by Pittman-Robertson Act or Dingell-Johnson Act. It is the intent of this bill to encourage the development of wildlife management areas in the counties of the state; however, it is a matter of equity that the local units of government are entitled to funds assessed in lieu of property taxes for these wildlife management areas. No general revenue funds may be expended in lieu of taxes for wildlife

management areas; however, special funds may be expended for this purpose provided reimbursement or matching from the federal government is available at a federal ratio of 2 to 1 or better. ('67-60-R-702)".

E. ADMINISTRATION OF FEES AND CHARGES

The Texas Park Development Fund was established by Chapter 773, 1969 Regular Session, as a part of the implementation of Section 49e of Article III of the Texas Constitution. This section authorized the sale of \$75 million of general obligation bonds and the establishment of the Texas Park Development Fund. It provided, in part, that "such fund shall be used by said Parks and Wildlife Department, or its said successor, under such provisions as the Legislature may prescribe by general law, for the purposes of acquiring lands from the United States, or any governmental agency thereof, from any governmental agency of the State of Texas, or from any person, firm, or corporation, for State Park Sites and for developing said sites as State Parks."

Section 8 of Chapter 773 provides that the Department shall, so long as any bonds are outstanding, and whenever feasible, "...charge and collect entrance or gate fees to state park sites. All income derived from the charging of entrance or gate fees, less any amounts necessary to pay for expenses incurred in making these charges, shall be deposited in a special fund with the state treasurer, and said amounts to be deposited shall hereinafter be referred to as net income."

The Department has adopted a schedule of fees based upon a classification of State Parks. This schedule is set forth in Attachment C.8.C.

F. AUTHORITY TO ACQUIRE LAND FOR RECREATION PURPOSES

The Land and Water Conservation Act (Chapter 112, 1965 Regular Session) provides the basic authority for the acquisition of land for recreation purposes. Section 1 reads, in part, as follows: "...to acquire lands for public recreation purposes, to construct thereon facilities for public use, to provide for the operation, maintenance and supervision of such public recreation areas, and to enter into agreements with other local, state or Federal Agencies for planning, construction, maintenance, and operation of such facilities, together with necessary access roads thereto, and to maintain adequate sanitary standards on the land and water areas as a part of and adjacent to such recreation areas."

In addition, "The Parks and Wildlife Department, in order to accomplish the acquisition of lands under the programs outlined in this Act, may institute condemnation proceedings as are now provided in the Statutes of the State of Texas..."

G. AUTHORITY AND PROCEDURE FOR LEASING LAND AND/OR FACILITIES TO PRIVATE INDIVIDUALS

The authority to grant park concessions is found in Chapter 168, 1931 Regular Session, as amended by Chapter 431, 1941 Regular Session, and codified as VACS Article 6070a. The Departmental policy regulating the Operation and Leasing of Park Concessions is included as Attachment C.8.D.

An additional authority to lease grazing rights, to harvest and sell, or to sell in place any timber, hay or other product grown on such lands when the same is found to be in excess of wildlife management needs, was provided in Chapter 298, 1953 Regular Session. This authority was conferred upon the Parks and Wildlife Department when it was created.

ATTACHMENT C.8.A

THE COMMISSION—CREATION*

PARKS AND WILDLIFE COMMISSION—CREATION

978f-3a, P.C.

SECTION 1. (a) The Parks and Wildlife Department is established as an agency of the state. It is under the policy direction of the Parks and Wildlife Commission.

(b) The Commission consists of six members appointed by the Governor with the advice and consent of two-thirds of the Members of the Senate present and voting. If the Senate is not in session, the Governor shall appoint the members and issue a commission to them as provided by law, and their appointment shall be submitted to the next session of the Senate for their advice and consent in the manner that appointments to fill vacancies under the Constitution are submitted to the Senate. In case of a vacancy on the Commission, the Governor shall appoint a new member to fill the unexpired term of the vacating member.

(c) The members of the Commission hold office for staggered terms of six (6) years, with the terms of two (2) members expiring every two (2) years. Each member holds office until his successor is appointed and qualified. The terms expire on January 31 of odd-numbered years.

(d) The Governor shall biennially designate one (1) of the six (6) members to serve as Chairman of the Commission for a term of two (2) years expiring on January 31 of the succeeding odd-numbered year. The Commission shall biennially elect a Vice-Chairman from among its members for a term of two (2) years expiring on January 31 of the succeeding odd-numbered year. A vacancy in the office of Chairman or Vice-Chairman shall be filled for the unexpired portion of the term by appointment or election as in the case of the original appointment or election.

(e) The Commission shall meet as often as it deems necessary, but shall meet at least once every quarter of the year. Four members constitute a quorum for transacting business.

(f) Members of the Commission shall be reimbursed for their actual expenses incurred in attending meetings and shall be paid a per diem as set in the General Appropriations Act. (as amended by '71-62-R-770.)

SEC. 1A. This Act does not affect the members of the Commission serving on the effective date of this Act. For the initial appointments of the three additional members authorized by Section 1 of this Act, the Governor shall appoint one member for two years, one member for four years, and one member for six years. The Governor shall designate one of the six members chairman of the Commission. (added by '71-62-R-770.)

SEC. 2. The term of office of the present members of the Game and Fish Commission shall expire with the effective date of this Act, provided, however, that this provision shall not preclude the Governor from appointing one (1) or more members to the Parks and Wildlife Commission provided for in Section 1 of this Act.

SEC. 3. The Parks and Wildlife Commission shall have the power and authority to appoint an Executive Director who shall be the chief executive officer of the Parks and Wildlife Department and shall perform its administrative duties. Such Executive Director shall have authority to appoint such heads of divisions, game and fish wardens, park managers, and other employees as may be authorized by appropriations therefor and as may be deemed necessary for executing, administering and carrying out the duties and services authorized by law to be performed by the Parks and Wildlife Commission and the Parks and Wildlife Department. The Executive Director shall serve at the will of the Parks and Wildlife Commission. All other employees shall serve at the will of the Executive Director.

SEC. 4. The State Parks Board is hereby abolished and all powers, duties and authority heretofore vested in the State Parks Board are hereby transferred to the Parks and Wildlife Department provided for herein. The terms of office of the present members of the State Parks Board are hereby terminated and this provision shall not preclude the Governor from appointing one (1) or more members of the State Parks Board to the Parks and Wildlife Commission provided for in Section 1 of this Act.

SEC. 5. The Parks and Wildlife Department provided for herein shall exercise and perform all powers and duties heretofore vested in the Game and Fish Commission prior to the effective date of this Act, and the State Parks Board prior to the effective date of this Act, and that portion of the program administered by the Parks and Wildlife Department which deals with the operation, maintenance, and improvement of State Parks shall be financed from the General Revenue Fund, the State Parks Fund, other funds as may be authorized by law, and such donations, grants, and gifts as may be received by said Department. No donations, grants or gifts accruing to the State of Texas or received by the Parks and Wildlife Department herein created, or now on hand in the presently constituted State Parks Department for the purpose of operating, maintaining, improving or developing State Parks, shall be used for any other purpose than the operation, maintenance, or developing of State Parks.

SEC. 6. The State of Texas assents to the provisions of the Acts of the U. S. Congress entitled "An Act to provide that the United States shall aid the states in wildlife-restoration projects, and for other purposes," approved September 2, 1937 (Public Law No. 415, 75th Congress), and "An Act to provide that the United States shall aid the states in fish-restoration

management projects, and for other purposes," approved August 9, 1950 (Public Law No. 681, 81st Congress), and any amendments thereto, and the Parks and Wildlife Commission is authorized and empowered to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration and cooperative fish-restoration projects, as defined in said Acts of Congress, in compliance with said Acts, with rules and regulations promulgated thereunder by the Secretary of the Interior, and with enactments of Texas Legislatures; and no funds accruing to the State of Texas from hunting license fees, fishing license fees, commercial fishing boat license fees, oyster license fees, net license fees, trawl license fees, seine license fees, or from any other fees collected by the former Texas Game and Fish Commission, or from any other funds received by the former Texas Game and Fish Commission including fines as a result of action taken by any court for a violation of any game or fish law; or receipts from the sale of shell, sand or gravel shall be diverted for any other purposes than for making necessary studies and management of the fish and game resources of this State and for the expansion and development of additional opportunities of hunting and fishing in State-owned land and waters for the benefit of the public wherever practicable and to embrace wherever feasible the principle of multiple use of our land and waters for better hunting and fishing opportunities. The special Game and Fish Fund shall be used for the purposes provided herein and for the purposes as now described by law and nothing shall be done to jeopardize or divert this Fund or any portion thereof including Federal aid as described in Section 6 of this Act.

SEC. 7. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of conflict only. ('63-58-R-58 as amended by '71-62-R-770.)

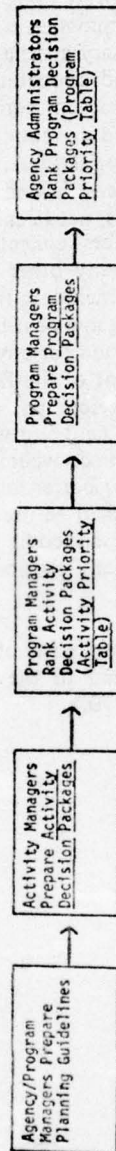
ATTACHMENT C.8.B(1)

INTRODUCTION TO ZERO-BASE BUDGETING

The philosophy of Zero-Base Budgeting, and instructions and procedures to be followed in its implementation, are described herein. The instructions are brief and flexible enough to allow adherence to the general concept while permitting adoption of procedures to meet specific agency needs. The Zero-Base Budgeting forms are intended to aid each manager in planning and budgeting his activities (not a form to be filled out after the planning and budgeting process is completed).

Sequence of Events: The Zero-Base Budgeting process will be keyed to the program structure developed by each agency. "Programs" and "Activities" have been defined, and the managers of these programs and activities will play a key role in the budget development process. If changes are desired in the program structure, the Executive and Legislative budget offices should be consulted before such changes are made. The sequence of events followed by most agencies will typically be a five-step process:

Sequence of Events



1. Instructions for Preparing Institutional Budget Requests for the Biennium beginning September 1, 1975, Legislative Budget Office, Austin, Texas, 1974, pp. 9 - 11

INTRODUCTION TO ZERO-BASE BUDGETING
(Continued)

1. Agency/Program managers prepare planning guidelines: Prior to the development of decision packages, agency and program managers should identify any planning assumptions or guidelines required by activity managers within each program. Such planning guidelines might include:
 - A. Definition of basic program needs and objectives.
 - B. Anticipated workload and effectiveness levels.
 - C. Alternative methods of program delivery to be evaluated.
 - D. Policy guidelines relating to personnel, new services to be considered, and other guidelines related to agency or program policies.These planning guidelines may be modified during the budget preparation process, but initially they provide a common basis or direction from which activity managers can begin their analyses.
2. Activity managers prepare Activity Decision Packages: The Activity Decision Package form provides the detailed identification and evaluation of, and budget request for, each activity. (See instructions for Table III, pages 18-30.)
3. Program managers rank Activity Decision Packages (Activity Priority Table): After activity managers prepare their Activity Decision Packages and review them with their program managers, program managers must rank these decision packages in order of priority within the program. This ranking will be used in establishing the budget levels for each program. (See instructions for Table IV, pages 31-33.)
4. Program managers prepare Program Decision Packages: The initial definition of program need and objectives, plus the activity analysis and priorities, provides the basis for evaluating each program. The Program Decision Package provides a detailed identification and evaluation of, and budget request for, each program. (See instructions for Table V, pages 34-41.)

INTRODUCTION TO ZERO-BASE BUDGETTING
(Continued)

5. Agency administrators rank Program Decision Packages (Program Priority Table): Agency administrators must establish their priorities among programs in order to develop the agency's budget request. The program evaluation and program priorities developed by each agency will provide the basis for executive and legislative budget analysis.

After completing the Program Priority Table, the agency administrator will have evaluated all operations and identified the budget request. Summary tables and special data requests required to complete the budget submission can then be prepared in the order outlined on page 2.

TABLE III: ACTIVITY DECISION PACKAGE

(1) Agency Name (2) Activity Name (3) Activity Objective Statement	(4) Program Name (5) Park Location and Development (6) Park Location and Development	(7) Date (Mo/Day/Yr) April 4, 1974	(8) Prepared By F. E. Green	1974		1975				
<p>1. Texas Parks & Wildlife Dept. Interpretive Planning and Exhibit Preparation</p> <p>To research, plan, design, produce and install interpretive facilities, programs, exhibits, publications, and nature trails for the purpose of interpreting the outstanding natural, historic, and recreational features and attributes of State Parks and Historic Sites.</p> <p>Objectives include major projects for 28 parks, minor projects for 19 parks, nature trail development or improvement for 65 parks, and interpretive publications for 14 parks.</p> <p>2. Interpretive Planning and Exhibit Preparation Carry out interpretive research planning, and consultation only, with a basic staff consisting of Branch Head, Secretary, Administrative Technician, Journalist, four interpretive research specialists (Biologist, Geologist, Archaeologist, Historian), and a planning section with Section Head, four interpretive planners, and two display designers. This is the minimum level required to provide interpretive planning services and consultation to other branches responsible for developing plans for state parks and historic sites, and will eliminate in-house production of interpretive exhibits.</p> <p>This level will permit the development of interpretive plans and contracts for the State Railroad, Sabine Pass, Mission Tojas, and McKinney Falls, and provide planning for three nature trails, and for geological, biological, archaeological and historical input and consultation on six master plans in FY 76. Interpretive plans and contract documents for Rosario, Galveston Island, Fort Leaton and Sea Rim plus plans for three nature trails and professional consultation on six master plans would be accomplished in FY 77.</p> <p>3. Interpretive Planning and Exhibit Preparation Add exhibit preparation shop staff consisting of Chief of Exhibits, one Artwork Specialist, two Artists, one Exhibits Craftsman, and three Exhibit Preparators to accomplish in-house production of interpretive exhibits and fixtures for State Railroad, Fort Leaton, Mission Tojas in FY 76; and for Sea Rim, Galveston Island, and McKinney Falls in FY 77.</p>	<p>(9A) Workload/Performance Measures</p> <p>Interpretive Plans = 2.5 Nature Trails = 3 Exhibits = 1.5 Archaeological Projects = 1 Total Units = 8</p>	<p>(9B) Resources</p> <p>Personnel = 19.5 Cost = \$338,472 Ave. Cost per unit = \$41,059</p>	<p>(9C) Request</p> <p>Personnel = 15 Cost = \$241,651</p>	<p>(9D) Request</p> <p>Personnel = 15 Cost = \$240,521</p>	<p>(9E) Request</p> <p>Personnel = 23 Cost = \$352,255 Ave. Cost per unit = \$37,082</p>	<p>(9F) Request</p> <p>Personnel = 23 Cost = \$343,621 Ave. Cost per unit = \$34,245</p>				
							<p>(10A) Workload/Performance Measures</p> <p>Interpretive Plans = 2.5 Nature Trails = 3 Exhibits = 0 Archaeological Projects = 0 Total Units = 7</p>		<p>(10B) Resources</p> <p>Personnel = 8 Cost = \$103,586 Ave. Cost per unit = \$34,521</p>	<p>(10C) Request</p> <p>Personnel = 8 Cost = \$103,586</p>
							<p>(10D) Request</p> <p>Personnel = 23 Cost = \$345,236 Ave. Cost per unit = \$34,528</p>			
							<p>(10E) Request</p> <p>Personnel = 23 Cost = \$345,236</p>			
							<p>(10F) Request</p> <p>Personnel = 23 Cost = \$345,236</p>			
							<p>(10G) Request</p> <p>Personnel = 23 Cost = \$345,236</p>			
<p>(10H) Request</p> <p>Personnel = 23 Cost = \$345,236</p>										

ATTACHMENT C.8.B(2)

1. Budget Estimates Fiscal Years 1976 and 1977, Texas Parks and Wildlife Department, Austin, Texas, July 12, 1974, pp. 246 - 251

TABLE III: ACTIVITY DECISION PACKAGE

Agency: Texas Parks and Wildlife Dept.		(12) Program Name	(14) Date (Mo Day Yr)	(15) Prepared By	(16) Agency Code	(17) Activity Code
(11) Activity Name	(13) Activity Description	(18) Activity Code	(19) Activity Code	(20) Activity Code	(21) Activity Code	(22) Activity Code
Interpretive Planning & Exhibit Preparation	Park Location and Development		April 4, 1976	F.E. Green		
(100) Describe Means Of Performing Activity: Level 13 of 3 Add two part-time research assistants for on-site Interpretive planning (= 6 man-months), and the necessary part-time labor and laboratory assistance to carry out one major archaeological excavation (15 man-months). Research assistants would be assigned to Ft. Leaton and Galveston Island in FY 76, and to Sabine Pass and Hueco Tanks in FY 77. Archaeological projects would include Seminole Canyon in FY 76 and Sabinal Canyon in FY 77.						
(110) Workload/Performance Measures Interpretive Plans = .5 Nature Trails = 0 Exhibits = 0 Archaeological Projects = 1 Total Units = 1.5						
(111) Rank This Level Cumulative						
(112) Rank This Level Cumulative						
(113) Describe Means Of Performing Activity: Level 14 of 1 Level 1 Contract Interpretive planning, contract for the production, installation and servicing of interpretive exhibits. (both out-of-state and local contractors would be required for quality work, and professional staff would be required to prepare contracts and monitor projects). Contractors extremely limited in number and method has not been found successful due to duplication of effort to assure contractor accuracy. Level 2 Contract with professional services for exhibits and audiovisual programs. Level 3 Contract with professional services or other agencies for archaeological research and report preparation.						

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TABLE III: ACTIVITY DECISION PACKAGE

Agency: Texas Parks and Wildlife Dept.		(2) Program Name		(3) Organizational Unit		(4) One Day Yr		(5) Prepared By		500 Agency Code		100 Unit Code		170 Activity Code		Page 248 of 248	
(1) Activity Name and Exhibit Preparation		Park Location and Development		April 4, 1974		F.E. Green											
(13) Object Of Expense		1974		1975		Level 1		Level 2		Level 3		Level 4					
(14) Method Of Financing		Estimated		Budgeted		1976		1977		1976		1977		1976		1977	
(15) Fund Code		(16) Fund Name															
31		Texas Park															
Total This Level		\$328,472		\$352,286		\$241,651		\$240,881		\$103,585		\$102,740		\$12,750		\$12,300	
Cumulative Total																	
Total This Level		\$328,472		\$352,286		\$241,651		\$240,881		\$103,585		\$102,740		\$12,750		\$12,300	
Cumulative Total																	

TABLE III: ACTIVITY DECISION PACKAGE

Agency: Texas Parks and Wildlife Dept.		(12) Program Name	(13) Organizational Unit	(14) Date (Mo Day Yr)	(15) Prepared by	(16) Activity Code	(17) Activity Code			
(11) Activity Name and Exhibit Preparation		(12) Program Name	(13) Organizational Unit	(14) Date (Mo Day Yr)	(15) Prepared by	(16) Activity Code	(17) Activity Code			
		(15) Personal Services Schedule								
(18)* S. & C. Group	(19) Title	(20) Title	1974 Estimated		1975 Budgeted		1976		1977	
			Positions	Cost	Positions	Cost	Positions	Cost	Positions	Cost
		Level <u>1</u> of <u>4</u>								
		<u>Classified Salaries</u>								
7586	20	Director of Programs	(1)	\$ 17,244	(1)	\$ 17,832	(1)	\$ 17,832	(1)	\$ 17,832
1555	19	Admin. of Tech. Programs II	(1)	15,624	(1)	16,140	(1)	16,140	(1)	16,140
1552	17	Admin. of Tech. Programs I	(1)	14,148	(1)	14,628	(1)	13,692	(1)	13,692
1550	16	Admin. of Tech. Programs I (5 mos. In FY 74)	(5/12)	5,520	(1)	13,692	(1)	13,692	(1)	13,692
1550	16	Staff Services Assist.	(1)	12,408	(1)	12,816	(1)	12,816	(1)	12,816
2155	16	Engineering Assist. III	(1)	12,408	(1)	12,816	(1)	12,816	(1)	12,816
7549	16	Biologist III Conserv. (7 mos. In FY 74)	(7/12)	7,476	(1)	12,816	(1)	12,816	(1)	12,816
7549	16	Biologist III Conserv. (5 mos. In FY 74)	(5/12)	5,170	(1)	12,816	(1)	12,816	(1)	12,816
7830	15	Interpretation Planner	(2)	24,000	(2)	24,816	(2)	24,816	(2)	24,816
7124	15	Interpretation Planner (2 for 5 mos. In FY 74)	(10/12)	9,680	(2)	24,000	(2)	24,000	(2)	24,000
2451	14	Engineering Tech. IV (Incl. 2 for 5 mos. In FY 74)	(4-10/12)	52,548	(6)	67,392	(3)	33,696	(3)	33,696
2001	14	Landscaping Arch. Assist. I	(1)	10,872	(1)	11,232	(1)	11,232	(1)	11,232
2010	12	Draftsman II	(1)	9,528	(1)	9,840	(1)	9,840	(1)	9,840
1502	11	Illustrator II	(1)	9,216	(1)	9,528	(1)	9,528	(1)	9,528
1890	10	Administrative Tech. II (5 mos. In FY 74)	(5/12)	3,595	(1)	8,916	(1)	8,916	(1)	8,916
6135	7	Journalist I	(1)	8,076	(1)	8,352	(1)	8,352	(1)	8,352
		Secretary III	(1)	6,624	(1)	6,852	(1)	6,852	(1)	6,852
		Total, Classified Salaries	(19.5)	\$ 224,137	(23)	\$ 271,668	(15)	\$ 179,928	(15)	\$ 179,928

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TABLE III: ACTIVITY DECISION PACKAGE

Page 20 of 81

(1) Activity Name		(2) Program Name		(3) Organizational Unit		(4) Date (Mo, Day, Yr)		(5) Prepared By		(6) Agency Code		(7) FCM Code		(8) Activity Code	
Agency: Texas Parks and Wildlife Dept.		Interpretive Planning and Exhibit Preparation		Park Location and Development		April 4, 1974		F.E. Green							
(15) Personal Services Schedule															
(A) Seq. No.	(B) Class.	(C) Group	(D) Title	1974 Estimated		1975 Budgeted		1976		1977					
				Positions	Cost	Positions	Cost	Positions	Cost	Positions	Cost	Positions	Cost	Positions	Cost
Level 2 of 4															
Classified Salaries															
1552	17-3		Admin. of Tech. Programs I									\$ 14,628	(1)	\$ 14,628	
2155	16-1		Engineering Assist. III									12,816	(1)	12,816	
2124	14-1		Engineering Tech. IV									33,696	(3)	33,696	
2451	14-1		Landscape Arch. Assist. I									11,232	(1)	11,232	
2001	12-2		Draftsman II									9,840	(1)	9,840	
2010	12-1		Illustrator II									9,528	(1)	9,528	
TOTAL												91,740	(8)	91,740	

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TABLE III: ACTIVITY DECISION PACKAGE
SUPPORTING SCHEDULE - OTHER EXPENSE

Agency Texas Parks and Wildlife Dept. 22		Program Name		Park Location and Development		April 4, 1974		F.E. Green		Level 3		Level 4	
(A) Activity Name	(B) Type	(C) Estimated	(D) Budgeted	(E) 1976	(F) 1977	(G) 1976	(H) 1977	(I) 1976	(J) 1977	(K) 1976	(L) 1977	(M) 1976	(N) 1977
0800 Group Insurance		\$ 3,000	\$ 3,450	\$ 2,250	\$ 2,250	\$ 1,200	\$ 1,200	\$	\$				
1000 Printing		650				300	750						
1100 Gasoline, Oil and Grease		950	950	900	950	300	250		100				
1200 Food for Persons													
1300 Clothing and Dry Goods													
1400 Feed, Seed and Small Plants		185	50	50	50	50	50						
1500 Drugs/Chemicals-Medical/Lab													
1600 Other Supplies & Materials		15,965	4,100	2,750	2,750	1,750	1,750	1,000	500				
2000 Postage		150	150	175	175	25	25						
2100 Utilities/Telephone/Telegph.		1,515	1,800	1,300	1,300	650	650						
2200 Transportation of Things		850	250	250	250			100	100				
2300 Repairs to Buildings													
2400 Other Repairs		115	100	150	100								
2600 Rents		20,850	42,948	42,948	42,948								
2600 Other Operating Expenses		32,100	5,950	3,500	3,500	2,500	2,250						
Note: Code (A) is the authorized		Comptroller of Public Accounts Code for the types listed.											
Total This Level		\$ 76,380	\$ 59,748	\$ 54,273	\$ 54,273	\$ 7,225	\$ 7,425	\$ 1,200	\$ 700				
Cumulative Total						\$ 61,498	\$ 61,698	\$ 62,698	\$ 62,398				
Method Of Financing													
(A) Fund Code	(B) Fund Name												
Total This Level													
Cumulative Total													

1. Budget Estimates Fiscal Years 1976 and 1977, Texas Parks and Wildlife Department, Austin, Texas, July 12, 1974, pp. 226 - 230

TABLE III: ACTIVITY DECISION PACKAGE

Agency: Parks and Wildlife Dept.		(17) Program Name: Facility Location and Development		(14) Date (Mo, Day, Yr): May 8, 1974		(15) Prepared By: George C. Adams		Page 277	
(11) Activity Name: State Park Acquisition		(12) Describe Means Of Performing Activity: Level 13 of 3		(13) Organizational Unit		(16) Agency Code		(18) Activity Code	
<p>Each year acquire an additional 1,400 acres for Recreation Parks at an additional cost of \$1,050,000. This level of Recreation Parks acquisition would accomplish approximately 6.8% of the 1976 needs and 6.3% of the 1977 needs. Current staff required plus addition of one level 15 position to handle increased work load required for Level 3 activity program.</p>		(1101) Rank: 15		(1101) Resources: This Level		(1101) Personnel: 1		(1101) Cost: 1,064,675	
				Cumulative		6		6,276,111	
		(1101) Workload/Performance Measures: Number of Parks						13.5	
		Cost per Park						464,897	
		Invest: 0-gift or lease						13.5	
		Highest: \$3,500,000						464,908	
(111) Describe Means Of Performing Activity: Level 14 of 1		(111) Rank		(111) Resources: This Level		(111) Personnel		(111) Cost	
				Cumulative					
(112) Alternative Methods Of Accomplishing This Activity:									

There is no true, realistic alternative to the purchase of the lands, as this agency is the only one available to meet State park needs.

TABLE III: ACTIVITY DECISION PACKAGE

Agency Name (1) Activity Name		Program Name (2) Facility Location and Development		(3) Organizational Unit		(4) Date (Mo Day Yr) May 8, 1974		(5) Prepared By George C. Adams		(6) Activity Code		(7) Fiscal Code	
(13) Object Of Expense		1974		1975		Level 1		Level 2		Level 3		Level 4	
(13) Type		Estimated		Budgeted		1976		1977		1976		1977	
1. Per Diem of Commissioners		* -0-											
2. Except Positions		* -0-											
3. Classified Salaries		* -0-		64,656		52,656		12,000		12,000		12,000	
4. Seasonal & Part-Time		* -0-											
5. Travel		* -0-		1,600		1,600		200		300		300	
6. Professional Fees & Serv		* -0-											
7. Other Expense		* -0-		33,850		31,700		2,330		2,150		2,150	
8. Capital Outlay		* -0-											
9. Land Acquisition		\$5,969,634		\$4,214,425		3,805,475		1,305,475		1,050,000		1,050,000	
* Indicated in Executive Office Budget.													
Total This Level		5,969,634		4,314,731		3,891,431		1,320,005		1,064,675		1,064,450	
Cumulative Total								5,211,436		6,276,111		6,276,266	
(14) Method Of Financing													
(15) Fund Name													
31 Texas Park		5,654,894		2,234,731		1,988,694		660,003		564,675		532,225	
223 Federal Matching		314,740		2,080,000		1,902,737		660,002		500,000		532,225	
Total This Level		5,969,634		4,314,731		3,891,431		1,320,005		1,064,675		1,064,450	
Cumulative Total								5,211,436		6,276,111		6,276,266	

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TABLE III: ACTIVITY DECISION PACKAGE

Agency: Parks and Wildlife Dept.		(2) Program Name Facility Location and Development		(14) Due this Day '74 May 8, 1974		(15) Prepared by George C. Adams		Page 229 of 230	
(1) Activity Name State Park Acquisition		(15) Personal Services Schedule		(13) Organizational Unit		(16) Activity Code			
		(10) Title		1974 Estimated		1975 Budgeted		1976	
(A) Act. No.	(B) Cust. Group			Positions	Cost	Positions	Cost	Positions	Cost
		Level 1 of 3							
4035	21	Special Project Director		(1)	\$18,420	(1)	\$18,420	(1)	\$18,420
1552	17	Administrator of Tech. Prog. I		(2)	\$27,384	(2)	\$27,384	(2)	\$27,384
1504	15	Admin. Tech. IV		(1)	\$12,000				
0135	07	Secretary III		(1)	\$ 6,852	(1)	\$ 6,852	(1)	\$ 6,852
		TOTAL		(5)	\$54,656	(4)	\$52,656	(4)	\$52,656
		Level 2 of 3							
1504	15	Admin. Tech IV				(1)	\$12,000	(1)	\$12,000
		Level 3 of 3							
1504	15	Admin. Tech IV				(1)	\$12,000	(1)	\$12,000

Agency Parks & Wildlife Dept.

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ATTACHMENT C. 8. C

FEEES AND CHARGES

TEXAS PARKS & WILDLIFE DEPARTMENT PARKS INFORMATION

PARK CLASSIFICATION FOR ENTRANCE FEE PURPOSES

CLASS I PARKS

\$1.00 per vehicle per day or an annual or restricted annual permit.

Abilene	Falcon	Lake Somerville
Atlanta	Fort Parker	Lake Whitney
Bastrop	Garner	Lockhart
Blanco	Goliad	Martin Dies, Jr.
Buescher	Goose Island	Meridian
Bonham	Hueco Tanks	Mission Tejas
Bentsen-Rio Grande	Huntsville	Monahans Sandhills
Caddo Lake	Inks Lake	Palmetto
Cleburne	Kerrville	Palo Duro Canyon
Dangerfield	Lake Arrowhead	Pedernales Falls
Davis Mountains	Lake Brownwood	Possum Kingdom
Dinosaur Valley	Lake Colorado City	Stephen F. Austin
Eisenhower	Lake Corpus Christi	Tyler

CLASS II

\$0.50 per vehicle per day or an annual or restricted annual permit.

Balmorhea	Big Spring
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CLASS III

Entrance fees to Class III parks are on an individual basis. The annual entrance permit is valid at Class III parks; daily vehicle permits are not valid.

Monument Hill	Old Fort Parker	Port Isabel Lighthouse
Adults \$.25	Adults \$.50	Adults \$.25
6-12 yrs. .... .10	6-12 yrs. .... .10	6-12 yrs. .... .10
Under 6 yrs. Free	Under 6 yrs. Free	Under 6 yrs. Free

CLASS IV

Entrance fees to Class IV parks are on an individual basis only. No annual or daily permits are honored at these parks.

Copano Bay*	Eisenhower Birthplace	Longhorn Cavern* (Cavern Tours)
Adults \$.50	Adults \$.25	Adults \$2.00
Under 20 yrs. .... .25	6-12 yrs. .... .10	6-12 yrs. \$1.00
Under 12 yrs. Free	Under 6 yrs. Free	Under 6 yrs. Free
		Groups-per person \$1.00
		Scouts-per person .75
Port Lavaca*	San Jose Mission	Varner Hugg*
Adults \$.50	Adults \$.50	Adults \$.50
13-19 yrs. .... .25	6-12 yrs. .... .15	6-12 yrs. .... .25
Under 13 yrs. Free	Under 6 yrs. Free	Under 6 yrs. Free

*Admission charges apply only to fishing privileges (valid 24-hour period beginning at 5:00 a.m. on day fee is paid) and conducted tours; access to other facilities in parks is free. (Museum tours at Varner Hugg normally do not hold the attention of children under 10 years of age. In order to insure maximum protection of museum interior, as well as provide full enjoyment to visitors, tours are generally held to 15 persons.)

CLASS V

No entrance fees	15. Lake Livingston (Not open to public)
1. Acton	16. Lipantitlan
2. Brazos Island (No Development)	17. Lyndon B. Johnson
3. Copper Breaks	18. MacKenzie (Leased to city of Lubbock)
4. Fannin	19. McKinney Falls (Not open to public)
5. Fairfield Lake	20. Mother Neff
6. Fort Griffin	21. Mud Island (Not open to public)
7. Fort Lancaster	22. Sabine Pass Battleground
8. Fort Leaton	23. San Jacinto Battleground
9. Fort McKavett	24. State Railroad
10. Fort Richardson	25. Tips (Leased to City of Three Rivers)
11. Galveston Island	26. Velasco (No Development)
12. Governor Hogg Shrine	27. Washington-on-the-Brazos
13. Jeff Davis (Leased to American Legion—No Development)	
14. Jim Hogg	

NOTE: Rates are subject to change without NOTICE.

ENTRANCE PERMITS

Entrance permit revenues are your investment in expansion of the State Park System through the acquisition and development of new State parks. Entrance permit requirements may be satisfied by the purchase of an annual entrance permit or by payment of daily entrance fees.

Park entrance fees are assessed on one or more of following methods of entry: (1) a private, non-commercial motorized vehicle, or aircraft (including 2 or more wheeled vehicles); (2) commercial, quasi-public or public bus or similar vehicle; (3) boat or bicycle; and (4) on foot or individual basis.

Daily Entrance Permit when paid will, for one day, admit your vehicle and all occupants to any State parks which have an entry fee on a per vehicle basis. This permit is valid for a specific 24-hour period or portion thereof, regardless of the number of parks visited or the number of exits and re-entries of any one park during that period. The period during which the permit is valid is indicated by the date on the permit face. The time covered by a daily entrance permit is:

- (a) For day vehicles, the period corresponding to the opening hours of the park for day use.
- (b) Daily permits sold in conjunction with user fees for overnight privileges are valid until 2:00 p.m. the following day in park where permit is purchased.

In certain instances a park receipt may be substituted for a daily entrance permit.

Annual \$12.00 Entrance Permit can be purchased and used in lieu of the daily entrance fee at all State parks where entrance fees are required. An annual permit, when properly displayed on your vehicle windshield, will admit your vehicle and all occupants to any State park where entrance fees are charged, regardless of the number of visits per day or per year. The only exceptions where annual permits are not valid are San Jose Mission, Varner-Hugg Plantation, and Eisenhower Birthplace State parks.

The valid period for annual permits coincides with the State fiscal year, September 1 through August 31. The cost of an annual entrance permit is the same for all or any portion of the subject year. Duplicate permits for an individual's other personal vehicles may be purchased for \$2.50 each. Should you trade or replace your vehicle, replacement annual permits are available for 25 cents each upon return of the serial number on the face of the permit to be replaced. Annual permits are not refundable and not transferable.

A \$5.00 Restricted Annual Entrance Permit is available in lieu of daily Entrance fees or the \$12.00 Annual Entrance Permit. The Restricted Permit allows annual entrance privileges to any ONE State Park as designated by the purchaser at the time of purchase. Replacement permits are available for 25 cents each. Duplicate permits are not available.

NOTE: TO BE VALID, ALL ENTRANCE PERMITS MUST BE ATTACHED TO THE INSIDE OF YOUR VEHICLE WINDSHIELD AND CLEARLY VISIBLE.

Per Person Entrance Rates at Class I and II State parks where entrance fees are charged on a per vehicle basis are:

- (a) Persons 13 years of age or older are charged 25 cents per person per day if entering by any means other than a private, non-commercial motorized vehicle or bus in which case the appropriate per vehicle or bus fee applies.
- (b) Persons 12 years of age or under are admitted free when entering by any means other than a private, non-commercial motorized vehicle in which case the per vehicle fee applies.

Per Person Entrance Rates at Class III and IV State parks are indicated in the park listing at left.

BUS RATES

Adults:	1-11 persons .25 each (Minimum \$1.00)
	12-47 persons \$3.00 per bus
	48 or more \$5.00 per bus
Under 12 years of age:	1-29 persons .10 each (minimum \$1.00)
	30 or more persons \$3.00

ANNUAL GROUP ENTRANCE PERMIT

Youth organizations, composed of individuals under 18 years of age, having a State or National affiliation, or sponsorship by a governmental agency, non-profit, civic or community organization, may purchase an annual (\$12.00) entrance permit for the exclusive use of said group. (Group is defined as the smallest unit of said organization.) The application for the annual group entrance permit should be submitted to the Austin Headquarters, Parks and Wildlife Department.

FACILITY USE FEES

Facility use fees are your direct contribution to the cost of maintaining and operating the State Parks System. The major portion of this cost, however, is provided by general tax revenue.

Camping Fees vary according to your choice of campsite quality:

- a. Campsite - regular (ranging from a primitive site through one with tables, grill, water and restroom nearby) - \$1.00 per site per night for each vehicle.
- b. Campsite with utilities -
 - With water, electricity, sewage \$1.75
 - With water, electricity \$1.50
 - With electricity \$1.50

Maximum occupancy of all campsites shall be limited as follows: No more than two motorized vehicles at each camp site. Capacity for electrical hookups may be limited to only one vehicle in some parks.

Screened Shelters are available for \$3.50 per shelter per night for the first vehicle, plus \$1.00 per night for each additional vehicle. Maximum occupancy is limited to three motorized vehicles per shelter.

Refer to the Facility Chart for those parks where screened shelters are available.

Note: Only open shelters are available at Goose Island State Park. The fee is \$2.50 per shelter per night for the first vehicle, plus \$1.00 per night for each additional vehicle. Maximum occupancy—3 motorized vehicles.

Cabins are available for \$6.00 per night for 1 or 2 persons. Occupancy over 2 persons requires an extra \$1.50 for each additional adult, and 75 cents for each additional child 6-13 years old. Children under 6 will be admitted free if in the same cabin as their guardians. Refer to the Facility Chart for those parks where family-sized cabins are available. Group cabins are also available at Daingerfield, Bastrop and Lake Brownwood State Parks at same rate as family-sized cabins. Group camps and group screened shelters are available at those parks where indicated on Facility Chart.

ATTACHMENT C.8.D
TEXAS PARKS AND WILDLIFE
COMMISSION POLICY

PART I

Policy No.: 4000-8

Date Approved: January 25, 1974

Effective Date: January 25, 1974

Reference Commission Minutes: Volume , Date , Page

PART II

Title of Policy: Operation and Leasing of Park Concessions

CONTENTS

1. Authority for Granting Park Concessions

- (a) Acts 1931, 42nd Leg., page 287, ch. 168, as amended by Acts 1941, 47th Leg., p. 691, ch. 431 (codified as V.A.C.S. Art. 6070a):
Authorizes the State Parks Board to operate or grant concessions in State parks, and the revenue thus earned shall, when collected, be deposited in the State Treasury to the credit of the "State Parks Fund" designated as Treasury Fund No. 64.
- (b) Penal Code Art. 978f-3a, effective August 23, 1963: Abolished the State Parks Board and transferred its powers, duties and authority to the Parks and Wildlife Department.

2. Definitions

- (a) Concessions - Concessions are those services and accommodations offered to the public in State parks for which charges, fees, admissions or similar assessments are collected, excluding park entrance fees.
- (b) Leased Concessions - A leased concession is a right or privilege granted by the Parks and Wildlife Commission to an individual, partnership or corporation to provide visitor services and accommodations for profit within the boundaries of a State park.
- (c) State Operated Concessions - State operated concessions are visitor services and accommodations operated by park personnel under the supervision of a Park Superintendent or other designated employee.
- (d) Concessioner - A concessioner is a person, partnership or corporation to whom the Parks and Wildlife Commission has granted concession rights or privileges.
- (e) Franchise Fee - A franchise fee is the annual fee or percentages of gross receipts a concessioner pays the State for park concession rights or privileges.

- (f) Prospectus - A prospectus is a public statement issued by the Parks and Wildlife Department giving information on the availability of a park concession as to location, visitor services and accommodations to be provided, capital and operating investment needed, business experience or other knowledge required, and the procedure to follow in submitting a concession proposal.

3. General Requirement for Park Concessions

- (a) Park concessions shall be limited to visitor services and accommodations that are necessary and appropriate for public use and enjoyment of the State park area in which they are to be located and that are consistent to the highest practical degree with the preservation and conservation of the area. Where adequate services and accommodations exist outside a park within a reasonable distance, similar services and accommodations shall not be provided within a park.
- (b) All building construction and land improvements for overnight or day-use accommodations in State parks for which user fees are charged shall be developed at State expense. The Park Superintendent, or other designated employee, shall be responsible for the operation and maintenance of overnight and day-use facilities developed with State funds, including the collection of user fees, except in instances where the responsibility has been specifically delegated to a concessioner by the Commission. In the event cabins, lodges, or other buildings and structures are deemed essential for the public's full enjoyment of an area, and State funds are not available in priority for their development, the Commission would be amenable to the consideration of such facilities being constructed, operated, and maintained with private capital.
- (c) Park visitor services and accommodations in the following categories may be operated by a concessioner under contractual arrangements: (1) food and merchandise sales; (2) equipment rentals for recreational use; (3) merchandise vending machines; (4) marine supplies and services; (5) horse livery; (6) transportation; (7) automotive supplies and services; and (8) fishing piers and fishing marinas.
- (d) In parks where certain facilities for visitor services and accommodations have been provided at State expense, a concessioner may be permitted to use said buildings, structures, and installations provided he assumes full responsibility for their maintenance and repair due to normal wear and tear.
- (e) The Executive Director, subject to the provisions of this policy, shall take such action as may be appropriate to encourage or enable the use of private capital as a means of providing visitor services and accommodations which are deemed essential and necessary for the full enjoyment of park areas administered by the Parks and Wildlife Department.

4. Selection of a Concessioner

- (a) Concessioners who have conducted satisfactory services during the term of their concession contracts will be given preference in the renewal of their contracts upon the expiration of contracts covering their operation. However, when considering extensions, renewals, or new contracts under this provision, the Executive Director shall give notice to all parties who have expressed in writing their interest in acquiring said concession and all proposals received as a result thereof, shall be evaluated and given consideration.
- (b) When it has been determined by the Executive Director that a leased concession is necessary, desirable, and financially feasible for the furnishing of visitor services and accommodations in a park area, or when it becomes necessary to secure a new concessioner or grant a contract renewal for a concession that has been operated under lease, a prospectus announcing the availability of said concession shall be issued and distributed to all interested persons, detailing essential information about the concession available and the procedure to follow in submitting a proposal. The Executive Director shall make every effort to fully publicize the availability of a concession in the immediate area of the park and on a State or National level when circumstances warrant a broader coverage.
- (c) A concessioner will be selected with great care to insure that he has the ability to operate the concession in an entirely satisfactory manner. In addition to ample financing and ability to conduct the concession in an economical manner, the concessioner must be in sympathy with the ideals and objectives of the Parks and Wildlife Department by adhering to business practices that emphasize public service rather than a profit motive, and are consistent to the highest practical degree with the preservation and conservation of the area. The Parks and Wildlife Department may disregard any or all proposals submitted, or make any counter proposal it may consider reasonable or desirable in accord with this policy.

5. Type of Concession Contracts

- (a) A standard form contract, as approved and adopted by the Commission and made a part of this policy, shall be used to grant major concession rights and privileges where the concessioner is required to make sizable investments in merchandise inventories, furnishings or equipment, and maintenance or repair of State owned buildings and structures. Such contracts may be granted only by the Commission, except as otherwise provided in this policy.
- (b) A revocable concession permit form, as approved and adopted by the Commission and made a part of this policy, shall be used to grant minor concession privileges where only small, temporary and removable equipment and facilities are required. The Executive Director is authorized to execute this type permit to provide visitor services which would include merchandise vending machines,

miscellaneous coin-operated machines, recreational rental equipment and other miscellaneous services or accommodations the public has a right to expect and the Executive Director deems appropriate. A prospectus announcing the availability of this type of concession will not be issued; however, the Department shall give reasonable notice to all available sources prior to granting a permit.

6. Contract Terms

- (a) The standard form contract shall be executed for a term of years that is commensurate with the size of the total investment required of the concessioner; provided, however, that the term will not exceed a period of 5 years. Concession contracts requiring a total investment (merchandise, equipment and furnishings, or estimated repairs to State owned buildings) of less than \$15,000 will not exceed a term of 3 years. The term for concession contracts requiring an investment in excess of \$15,000 shall be negotiated with primary consideration given to the amortization of capital expenditures.
- (b) Revocable concession permits shall be issued for a maximum term of one year or less.
- (c) No renewal rights shall be made a part of any concession contract or permit unless expressly provided for by the Commission.

7. Franchise Fee Rates

- (a) Franchise fee rates of standard form contracts shall be determined by the Executive Director, subject to the approval of the Commission, in an equitable and fair manner by giving recognition to the various types of operations from which the gross receipts are derived and the opportunity for net profit in relation to both gross receipts and capital invested. The final computation will be based on past or projected income and will result in a single or multiple percentage applied to all or various kinds of gross receipts when franchise fees are considered in new contracts.
- (b) The right to reconsider and renegotiate franchise fees of concession contracts on an annual basis shall be considered standard practice when conditions warrant an adjustment; such adjustment right is reserved by the Commission based upon staff recommendation.

8. Interim Concession Contracts

- (a) The Executive Director shall be authorized to grant an administrative concession contract for a period not to exceed six (6) months when extraordinary circumstances arise and it is in the best interest of the State that immediate action be taken, to either insure the continuance of services being offered to the public, or to eliminate the necessity of State funds being expended for the operation as well as relieve vital park personnel,

temporarily assigned to the concession operation, for more important duties and functions in park operation.

- (b) An administrative concession contract will in no way give the temporary concessioner preferential treatment in the execution of a new contract upon the termination or expiration of the terms of the contract; and, if such a contract is to be let, thereafter all procedures prescribed in this policy for accepting new concession proposals shall be adhered to.
- (c) The standard form concession contract shall be used when granting an administrative concession contract, and immediately thereafter, an appropriate report shall be filed with the Commission.

9. Rates and Charges

- (a) The rates and charges prescribed by the concessioner shall be subject to the approval of the Executive Director. The reasonableness of the concessioner's rates and charges to the public shall be judged primarily by comparison with those current for facilities and services of comparable character under similar conditions, with due consideration for length of season, provisions for peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage and other such factors deemed significant as related to the type of concession.

10. Accounting

- (a) The concessioner shall submit reports and keep such records as the Executive Director may prescribe to enable the Executive Director to determine that all terms and conditions of the concession contract have been and are being faithfully performed.
- (b) The State auditor or duly authorized representative of the Parks and Wildlife Department shall, for the purpose of audit and examination, have access to said records and to other books, documents, and papers of the concessioner pertinent to the contract and all of the terms and conditions thereof.

11. Bond and Insurance

- (a) The Executive Director may, at his discretion, require the concessioner to furnish a bond conditioned upon the faithful performance of his contract.
- (b) The concessioner shall carry such insurance against losses by fire, public liability, employee liability, and other hazards as is customary among prudent operators of similar businesses under comparable circumstances, and also in the amounts satisfactory to the Parks and Wildlife Department. The minimum limit for public liability shall be \$50,000; however, the Executive Director shall have the authority to increase this

limitation where he deems conditions warrant such action.

12. Furnishing of Utilities

- (a) The Parks and Wildlife Department may furnish utilities to the concessioner, when available, and at reasonable rates to be fixed by the Department, for use in connection with the operations authorized.
- (b) When it is not feasible for the Department to meter utilities supplied the concessioner, appropriate adjustments in the franchise fee rate shall be made to adequately compensate for the estimated cost of utilities furnished concessioner.

THIS POLICY SHALL BE IN EFFECT UPON DATE OF APPROVAL AND REMAIN IN EFFECT UNTIL WITHDRAWN OR AMENDED BY THE COMMISSION.

C.9 PROFILE OF
COMMONWEALTH OF PENNSYLVANIA
BUREAU OF STATE PARKS

A. STATUTORY AUTHORITY AND RESPONSIBILITIES

The Executive Branch of Pennsylvania State government was reorganized by statute (Act of the General Assembly No. 275, 1970) in 1970. This act consolidated various agencies, departments, and commissions into a cabinet level Department of Environmental Resources. The authorities of the Bureau of State Parks are as follows (Section 1906-A, Act of the General Assembly No. 275, 1970):

- to supervise, maintain, improve, regulate, police, and preserve, all parks belonging to the Commonwealth
- to acquire, in the name of the Commonwealth, by purchase, gift, lease or condemnation, any lands which should be ... held, controlled, maintained and utilized as State Parks
- to execute leases to any person, corporation, association or organization for sites for buildings and facilities used for health, recreational or educational purposes
- to exercise police powers
- to provide space for parking facilities to the City of Philadelphia pursuant to the provisions of the Act of 5 June 1947 (P.L. 458 known as the Parking Authority Law)

- to execute contracts and leases in the name of the Commonwealth for the mining or removal of oil and gas found in a State Park

B. ADMINISTRATIVE ORGANIZATION

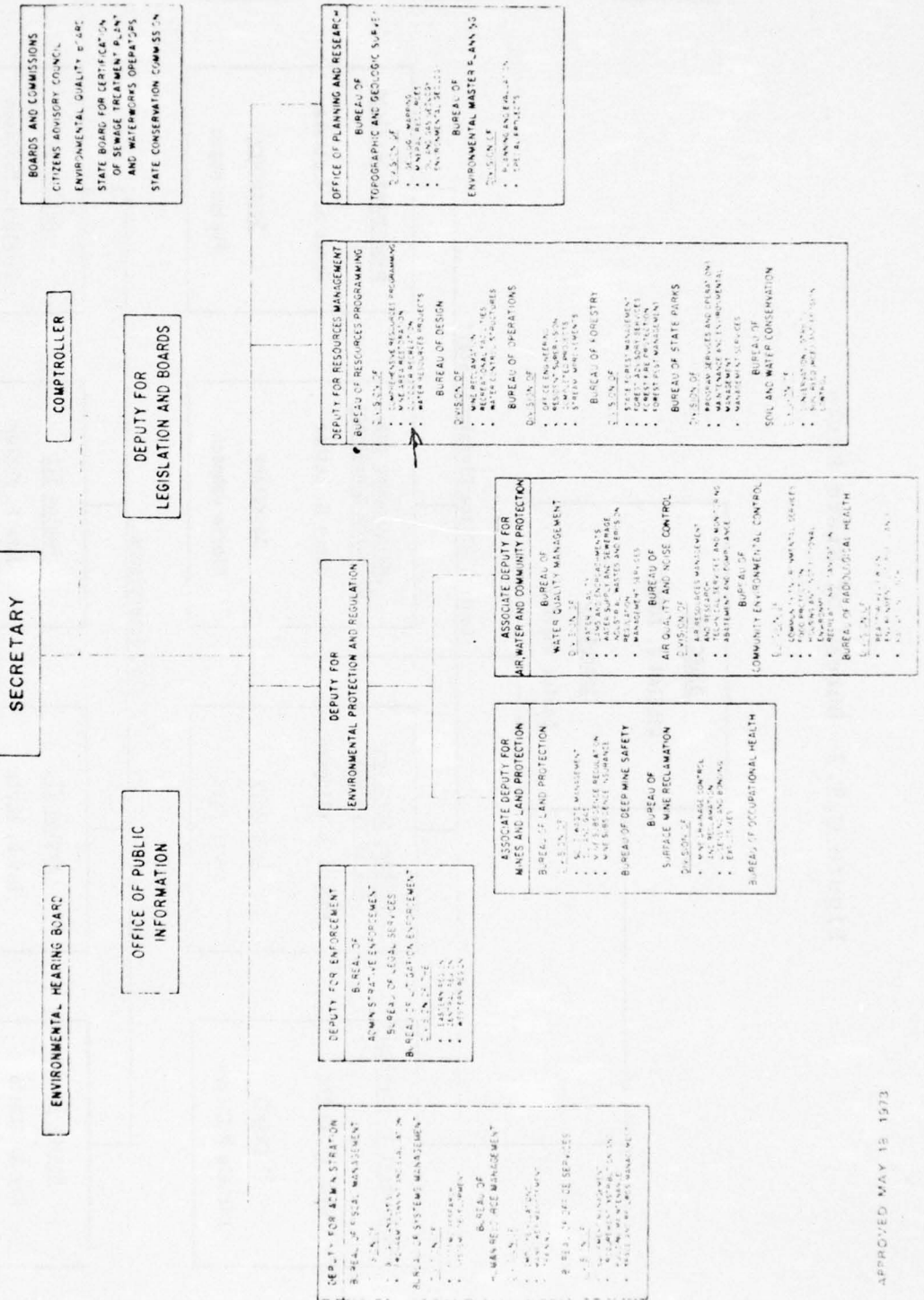
The organization chart for the Department of Environmental Resources is included as Figure C.9.1. The Department includes three operating activities: Enforcement; Environmental Protection and Regulation; and Resources Management. Each of these is headed by a Deputy Secretary. There is another Deputy Secretary for Administration and a separate support office for planning and research.

The Bureau of State Parks is located under the Deputy Secretary for Resources Management. Resources Management includes four other operating Bureaus: 1) Design; 2) Operations; 3) Forestry; and 4) Soil and Water Conservation. It also includes the Bureau of Resources Programming which performs the planning function. The organization chart also shows the various Divisions of each Bureau. These Division names generally reflect the functions performed. The Bureau of State Parks operates and maintains the state park system. The Bureaus of Design and Operations are, however, generally responsible for design and construction of recreational facilities.

The organization of the Bureau of State Parks is shown in Figure C.9.2. The Director is charged "To effectively manage all Commonwealth State Park resources as a system of widely dispersed and variegated outdoor recreational opportunities to most efficiently meet public demands"(2). The Bureau

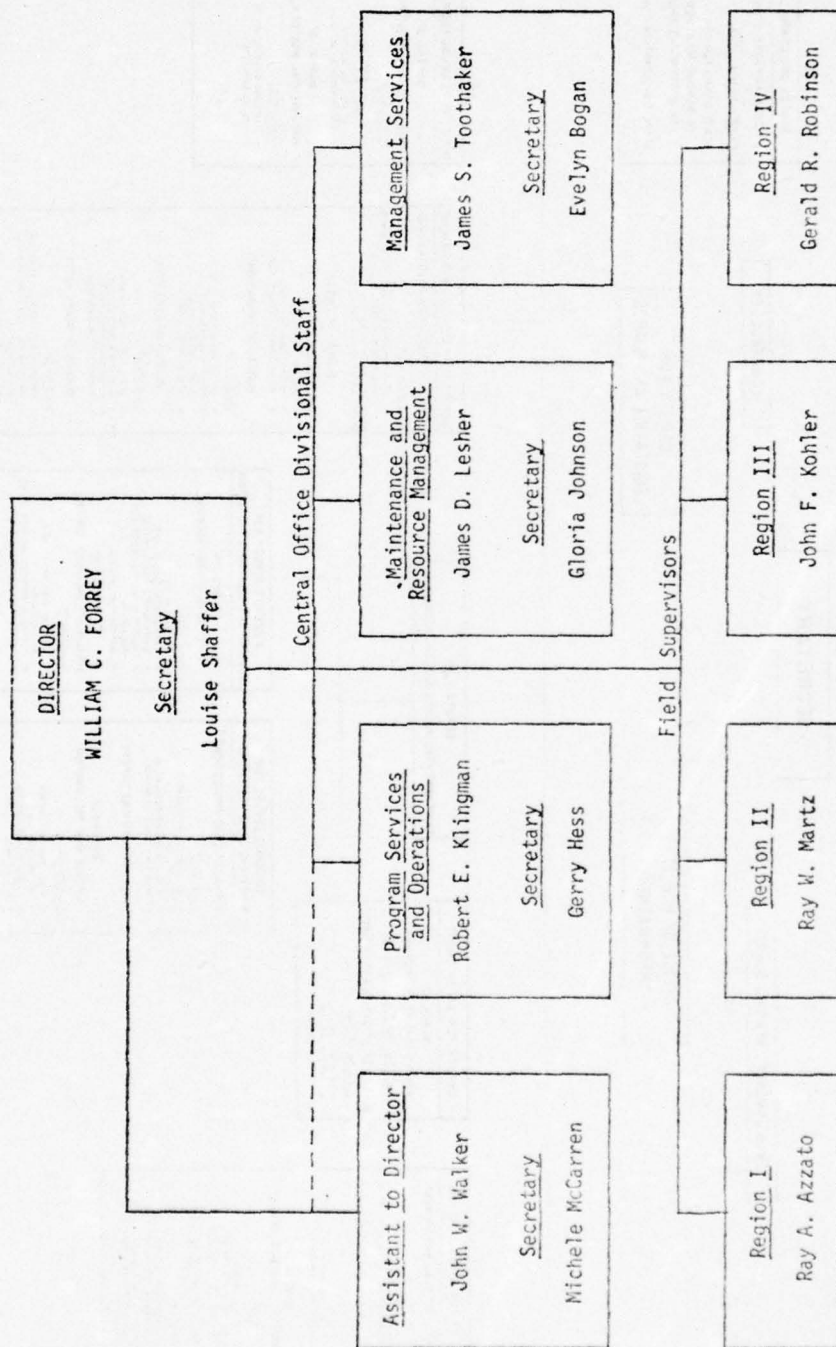
Figure C.9.1 Department of Environmental Resources

DEPARTMENT OF ENVIRONMENTAL RESOURCES



APPROVED MAY 18 1973

Figure C.9.2 Bureau of State Parks



performs its functions with approximately 750 salaried personnel and 1,400 temporary personnel.

Reporting directly to the Director are the four Regional Field Supervisors who are responsible for the daily operation of 107 state parks consisting of 273,716.88 acres.

The objective of Program Services and Operations is:

"To act as the principal staff element for the Bureau and provide central guidance and direction for the operation of all State Park recreation activities so as to assure year-round maximum, equitable, efficient, and safe public recreational use of all facilities; to provide desirable and adequate services in support of park operations and activities; and to interpret the natural and cultural aspects of State Park resources, through formal and informal environmental education"(2).

The objective of Maintenance and Resource Management is:

"To maintain and conserve the physical and natural resources of the State Park System through the planning, development, and proper utilization of all resources; to provide ways and means to assure year-round operation, utilization, improvement, protection, and preservation of the physical and natural resources of the State Park System"(2).

The objective of Management Services is:

"To provide high quality and responsive management services for the Bureau in order to meet the Park System requirements for our Commonwealth" (2).

C. BUDGETING, SOURCE OF FUNDS, AND UNIT COSTS

The budgeting information for all Departments and programs is presented in two ways: 1) the Departmental Presentation; and 2) the Commonwealth Programs.

In the Departmental presentation, the appropriations for the Bureau of State Parks are included within the "General Government" function of the Department of Environmental Resources. They can, however, be reasonably identified as the program for "Development, Operation and Maintenance of Recreation Areas and Facilities". The financial support for this program as shown in the Governor's "1974-75 Budget" (1) ranges from \$13.6 million in 1972-73 to \$15.2 million in 1973-74 to \$16.6 million requested in 1974-75. Table C.9.1a shows the general fund appropriations for development, operation and maintenance of recreation areas or facilities. Table C.9.1b shows a breakdown of general government operations funds for the development, operation and maintenance of recreation areas and facilities.

All of the revenue from State Parks programs is credited to the general fund with the exception of income from oil and gas leases. The Regional breakdown of fiscal year 1973-1974 Revenue from receipts is shown in Table C.9.2. The income from oil and gas leases goes to a discretionary fund under

TABLE C.9.1a
GENERAL FUND APPROPRIATIONS
DEVELOPMENT, OPERATION AND MAINTENANCE
OF
RECREATION AREAS AND FACILITIES

Program Costs by Appropriation:

	1972-73	1973-74	1974-75	1975-76	1976-77	1977-78	1978-79
(Dollar Amounts in Thousands)							
GENERAL FUND							
Treasury							
Project 70 Land Acquisition							
Sinking Fund	\$ 4,015	\$ 3,964	\$ 3,898	\$ 3,835	\$ 3,774	\$ 3,710	\$ 3,706
Land and Water Development							
Sinking Fund	1,946	2,100	2,573	3,265	3,735	4,206	4,676
Capital Debt Fund	98	123	142	180	214	250	292
Department Total	<u>\$ 6,059</u>	<u>\$ 6,187</u>	<u>\$ 6,613</u>	<u>\$ 7,280</u>	<u>\$ 7,723</u>	<u>\$ 8,166</u>	<u>\$ 8,674</u>
Environmental Resources							
General Government Operations . . .	\$10,339	\$14,682	\$16,253	\$17,716	\$19,133	\$20,472	\$21,905
Annual Fixed Charges—Flood							
Lands	8	9	9	10	10	11	11
Annual Fixed Charges—Project 70 . .	210	325	250	250	250	250	250
Erosion Control at Presque Isle							
State Park . . . . .	.....	750	.....	.....	.....	.....	.....
Department Total	<u>\$13,557</u>	<u>\$15,766</u>	<u>\$16,512</u>	<u>\$17,976</u>	<u>\$19,393</u>	<u>\$20,733</u>	<u>\$22,166</u>
Property and Supplies							
General State Authority Rentals . . .	\$ 3,265	\$ 3,351	\$ 3,351	\$ 3,351	\$ 3,351	\$ 3,351	\$ 3,351
GENERAL FUND TOTAL	<u>\$22,881</u>	<u>\$25,304</u>	<u>\$26,476</u>	<u>\$28,607</u>	<u>\$30,467</u>	<u>\$32,250</u>	<u>\$34,191</u>

TABLE C.9.1b

Development, Operation and Maintenance of
Recreation Areas and Facilities

	(Dollar Amounts in Thousands)		
	1972-73 Actual	1973-74 Available	1974-75 Budget
State Funds	\$13,339	\$14,682	\$16,253
Federal Funds	245	420	.....
Other Funds	84	108	355
TOTAL	\$13,668	\$15,210	\$16,608

Table C.9.2 FY 1973-74 Revenue of The
Bureau of State Parks

[illegible]

the control of the Secretary of the Department of Environmental Resources. It may be used at the direction of the Secretary to supplement other programs or to initiate new programs. It is a non-appropriated fund. Precise information was not available but it was estimated to be in the range of \$200,000 per year.

The capital budget administered by the Department of Environmental Resources includes Forestry, Flood Control, and Recreation. Table C.9.3 shows the project authorizations and the source of funds as set forth in the 1974-75 budget request (1). Since expenditures are not necessarily incurred in the year of authorization, Table C.9.4 indicates the estimate of capital expenditures for the budget year (1974-75) and for the next four years(1). (The General State Authority is an organization that was created in 1949 for the purpose of administering bond sales. The Commonwealth was constitutionally limited on the amount of debt it could incur and this vehicle permitted additional debt. The bonds sold through the General State Authority were backed by the full faith and credit of the state.) It should be noted that the figures in Table C.9.3 reflect the capital budget of the entire Department of Environmental Resources. The major portion of this budget is, however, for parks and park development.

In the Commonwealth Programs presentation, the recreation category includes expenditures supporting the recreation function regardless of the department making the expenditure. Table C.9.5 presents this category in terms of "source of funds" as well as sub-category of expenditure. Sub-categories

Table C.9.3

Capitla Budget - Department of Environmental Resources

	(Dollar Amounts in Thousands)			
	Base Project Cost	Land Cost	Design Admin. & Misc.	Total Project Cost
1974-75 PUBLIC IMPROVEMENT PROJECTS				
Forestry	\$ 129	....	\$ 30	\$ 159
Flood Control	2,494	....	574	3,068
Recreation	2,643	\$3,254	701	6,598
TOTAL PROJECTS	<u>\$5,266</u>	<u>\$3,254</u>	<u>\$1,305</u>	<u>\$9,825</u>
SOURCE OF FUNDS				
General Obligation Bond Issues				
General State Authority	\$5,170	\$1,627	\$1,305	\$8,102
Department of Property and Supplies (Original Furniture and Equipment)	96	....	....	96
Sub-Total	<u>\$5,266</u>	<u>\$1,627</u>	<u>\$1,305</u>	<u>\$8,198</u>
Federal Funds .....	....	\$1,627	....	\$1,627
TOTAL	<u>\$5,266</u>	<u>\$3,254</u>	<u>\$1,305</u>	<u>\$9,825</u>

Table C.9.4

Estimate of Capital Expenditures
Department of Environmental Resources

	(Dollar Amounts in Thousands)				
BOND FUNDS	1974-75	1975-76	1976-77	1977-78	1978-79
Department of Environmental Resources					
Public Improvement Projects					
Projects Currently Authorized					
General State Authority	\$ 8,810	\$ 6,471	\$ 5,777	\$ 3,711	\$ 3,711
Property and Supplies	28	9	3	1	.....
Projects in 1973-74 Budget					
General State Authority	939	2,817	3,757	5,635	5,635
Property and Supplies	34	22	7	4	.....
Projects in 1974-75 Budget					
General State Authority	405	1,215	1,620	2,431	2,431
Property and Supplies	10	43	29	10	4
Future Projects (1975-79)					
General State Authority	.....	480	2,025	4,165	7,185
Property and Supplies	.....	10	55	85	95
TOTAL-ENVIRONMENTAL RESOURCES	<u>\$ 10,226</u>	<u>\$ 11,067</u>	<u>\$ 13,273</u>	<u>\$ 16,042</u>	<u>\$ 19,061</u>

Table C.9.5

Statewide Recreation
Funding and Expenditures

GOAL: To provide a system of public and private year round recreational opportunities which will be available in sufficient quantity, quality and variety to satisfy the needs of all Commonwealth citizens and out of state visitors.

	(Dollar Amounts in Thousands)						
	1972-73	1973-74	1974-75	1975-76	1976-77	1977-78	1978-79
General Fund	\$30,019	\$32,580	\$34,927	\$38,014	\$40,490	\$43,660	\$46,340
Special Funds	20,472	22,853	24,295	25,380	26,791	27,667	29,153
Federal Funds	445	490	67	67	.....	.....	.....
Other Funds	710	998	1,310	1,169	1,211	551	553
TOTAL	\$51,646	\$56,921	\$60,599	\$64,630	\$68,492	\$71,878	\$76,046

include recreational fishing, hunting, and boating. These are generators of special fund income which is included in the first part of the Table. It should be noted, however, that this does not significantly affect the trends. The projected growth in special fund income is only slightly in excess of 5% per year through fiscal year 1978-79. This is comparable to the overall projected growth rate.

The Bureau of State Parks has worked extensively with the Pennsylvania State University to develop a unit costing technique through the allocation of operational costs. This work has been done under the supervision of Dr. Charles H. Strauss. Because of the experimental nature of the program and the sensitiveness of the data collected, the preliminary results were not available for this report. However, discussions with Dr. Strauss indicate that the system required the collection of costs at the park level on 17 recreational activities. These activities are: (1) Tent and Trailer Camping; (2) Cabins; (3) Group Tent Camping; (4) Group Camping (Lodge type); (5) Picnicking; (6) Beach Swimming; (7) Pool Swimming; (8) Boating; (9) Fishing; (10) Environmental Education; (11) Hiking; (12) Hunting; (13) Pleasure Driving; (14) Ice Sports; (15) Snowmobiling; (16) Sledding; and (17) Ski Sports. A miscellaneous category is used when the individual park operates an activity not properly allocable to recreation, e.g., sewage treatment plant operation for a neighboring community, as at the Corps' Foster J. Sayers Project.

Cost allocations are made on the above activities and used to provide: (1) the activity days usage per unit of facility; (2) the operations and maintenance costs per unit; and (3) the

operations and maintenance costs per activity day of usage by unit. This information is collected by park. It is subsequently aggregated to provide regional and statewide costs. Statistical dispersion tests are made of regional and statewide data to access reliability.

The experimental uses of the results on a statewide basis which include fiscal year 1973-74 and the first quarter of fiscal year 1974-75 are to critique operations at the park level, to assist in annual budget preparation, and to assist in long range planning. The model is programmed and operates at the Pennsylvania State University Computing Center.

D. PAYMENTS IN-LIEU OF TAXES

Until 1964, there was no statutory provision for payments in-lieu of taxes for park lands. It had, however, become the practice to budget for, and pay, \$.20 per acre on State Forest lands transferred into the park system. The basis of this was apparently a statute requiring the \$.20 per acre payment in-lieu of taxes on forest lands.

Act No. 8 of the Special Session of 1964 of the Pennsylvania General Assembly provided for a phase-in period of payments in-lieu of taxes based upon a formula related to prior tax payments on property acquired for park purposes. At the end of the phase-in period, the payment was to be maintained at the rate of \$.20 per acre. The pertinent provisions of the Act are included as Attachment C.9.B. (See also New Hampshire provisions for phasing state park in-lieu payments in Appendix D, p.D.630.)

E. ADMINISTRATION OF FEES AND CHARGES

It is state policy in Pennsylvania to permit free admission to all state parks. There are, however, schedules of usage fees for such activities as cabins, camping, ski-lifts, and other activities where the cost is activity-specific. It is general state policy not to compete with similar recreational activities provided by private enterprise if those activities are reasonably adequate to meet the demand. Another policy decision is the Bureau's primary interest in non-urban recreational activities. The practice is to provide recreation assistance through grants and subsidies to municipalities for the maintenance of recreation facilities and development of recreation programs. The 1974-75 budget request for that purpose was \$500,000(1).

F. AUTHORITY TO ACQUIRE LAND FOR RECREATION PURPOSES

The Bureau of State Parks, through the Department of Environmental Resources, is given the following specific powers to acquire land (Section 1906-A, (2), Act No. 275, 3 December 1970):

"(2) For the purpose of promoting healthful outdoor recreation and education, and making available for such use natural areas of unusual scenic beauty, especially such as provide impressive views, waterfalls, gorges, creeks, caves, or other unique and interesting features, to acquire, in the name of the Commonwealth, by purchase, gift, lease or condemnation, any lands which, in the judgment

of the department, should be held, controlled, protected, maintained and utilized as State park lands. Such lands may be purchased or accepted, subject to the conditions of any such lease and subject to such reservations, if any, of mineral rights, rights of way, of other encumbrances as the department may deem not inconsistent with such holdings: Provided, however, that the amount expended for the acquisition of lands for State park purposes shall not exceed the amount specifically appropriated for such purposes."

G. AUTHORITY AND PROCEDURE FOR LEASING LAND AND/OR FACILITIES TO INDIVIDUALS

The Bureau of State Parks, through the Department of Environmental Resources, is given specific authority to enter into leases by Section 1906-A(4) and (9) of Act No. 275, General Assembly of the Commonwealth of Pennsylvania, 3 December 1970. The pertinent sections read as follows:

"(4) To lease for a period not to exceed ten years, on such terms as may be considered reasonable, to any person, corporation, association, or organization of this Commonwealth a portion of any State park, whether owned or leased by the Commonwealth, as may be suitable as a site for buildings and facilities to be used for health, recreational or educational purposes, or for parking areas or concessions for the convenience and comfort of the public:

Provided, however, that the department may, with the approval of the Governor, if a substantial capital investment is involved and if it is deemed in the best interests of the Commonwealth, enter into such leases for a period not to exceed thirty-five years;"

"(9) To make and execute contracts or leases in the name of the Commonwealth for the mining or removal of any oil or gas that may be found in a State Park whenever it shall appear to the satisfaction of the department that it would be for the best interests of the State to make such disposition of said oil and gas. Any proposed contracts or leases of oil and gas exceeding one thousand dollars (\$1,000) in value shall be advertised once a week for three weeks in at least two newspapers published nearest the locality indicated in advance of awarding such contract or lease. Such contracts or leases may then be awarded to the highest and best bidder who shall give bond for the proper performance of the contract as the department shall designate."

An interesting aspect of the leasing operations is a hold-over from the time when much of the land was in the state forest system. Under the state forest system, beginning in 1913, the state leased 1/4 acre lots for the purpose of hunting cabins. A total of 4,500 such leases were let on state forest lands. Thirty-six (36) of the present state

parks were formerly state forest lands. There are approximately 800 hunting cabins located in 8 of these parks. The leases have been continued on an annually renewable basis with the renegotiation every 10 years. The improvements on the 1/4 acre lots are assessed and taxed locally. No new leases have been granted in the state forest system or in the state park system since 1970.

The concession authority is also contained in Section 1906-A(4) which has been quoted earlier. Concessions consist primarily of small food items, watercraft rentals, and camp and novelty stores. The total revenue in fiscal year 1972-74 was \$259,076. There is no written concessions policy. The Director advises, however, that all concessions are let by some form of bid. The policy has evolved from a lump sum bid in all instances to a percentage of gross receipts in all instances, to the current practice which is a mixture of the two previous policies. Under the lump sum policy, there were criticisms that the State was losing money in certain high gross revenue locations. It was found under the percentage of gross receipts that certain bidders wanted the jobs so badly that they would propose a very large return to the State (37% in one instance) and then simply pass it on to the public in very high prices. The present policy generally requires 5% of gross revenue as a standard and then uses a lump sum bid as the basis for competition.

Overall state park revenue from concessions (\$259,076) and from all other sources totaled \$1.6 million in fiscal year 1973-74. This revenue goes directly to the general fund from which the parks operating budget of approximately \$15 million for fiscal year 1973-74 was appropriated.

ATTACHMENT C.9.A
PROVISIONS OF ACT NO. 275,
1970 SESSION OF THE GENERAL ASSEMBLY
OF THE COMMONWEALTH OF PENNSYLVANIA
RELATING TO PARKS

Section 1906-A. Parks.—The Department of Environmental Resources shall have the power, and its duty shall be:

(1) To supervise, maintain, improve, regulate, police, and preserve, all parks belonging to the Commonwealth;

(2) For the purpose of promoting healthful outdoor recreation and education, and making available for such use natural areas of unusual scenic beauty, especially such as provide impressive views, waterfalls, gorges, creeks, caves, or other unique and interesting features, to acquire, in the name of the Commonwealth, by purchase, gift, lease, or condemnation, any lands which, in the judgment of the department, should be held, controlled, protected, maintained and utilized as State park lands. Such lands may be purchased or accepted, subject to the conditions of any such lease and subject to such reservations, if any, of mineral rights, rights of way, or other encumbrances as the department may deem not inconsistent with such holdings: Provided, however, That the amount expended for the acquisition of lands for State park purposes shall not exceed the amount specifically appropriated for such purposes;

(3) To see that conveniences and facilities for the transportation, shelter, comfort and education of people shall be so designed and constructed as to retain, so far as may be, the naturalistic appearance of State park areas, surroundings and approaches, and conceal the hand of man as ordinarily visible in urban, industrial and commercial activities;

(4) To lease for a period not to exceed ten years, on such terms as may be considered reasonable, to any person, corporation, association, or organization of this Commonwealth a portion of any State park, whether owned or leased by the Commonwealth, as may be suitable as a site for buildings and facilities to be used for health, recreational or educational purposes, or for parking areas or concessions for the convenience and comfort of the public: Provided, however, That the department may, with the approval of the Governor, if a substantial

capital investment is involved and if it is deemed in the best interests of the Commonwealth, enter into such leases for a period not to exceed thirty- five years;

(5) To study, counsel and advise in reference to gifts of lands or money for park purposes;

(6) To counsel and advise in reference to the development of park lands by concessionaries with facilities and equipment for the accommodation and education of the public;

(7) To appoint and commission persons to preserve order in the State parks, which persons shall have all of the following powers:

(a) To make arrests without warrant for all violations of the law which they may witness, and to serve and execute warrants issued by the proper authorities: Provided, however, That in cases of offenses for violation of any of the provisions of The Vehicle Code, the power to make arrests without warrant shall be limited to cases where the offense is designated a felony or a misdemeanor, or in cases causing or contributing to an accident resulting in injury or death to any person;

(b) To have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class;

(c) To have all the powers and prerogatives conferred by law upon constables of the Commonwealth;

(d) To serve subpoenas issued for any examination, investigation or trial had pursuant to any law of the Commonwealth.

(8) For the purpose of providing parking facilities and incidental services within the borders of any State park area situate in the City of Philadelphia to lease or grant, by and with the written approval of the Governor, any portion of any such State park area, underground, aboveground, or both, to the city or to any parking authority now or hereafter existing in the city, pursuant to the provisions of the act of June 5, 1947 (P.L.458), known as the "Parking Authority Law," as the same may now or hereafter be amended, if

(a) *The City of Philadelphia or the parking authority agrees that the lands and interests and privileges therein shall be used by the city or parking authority, or any lessee or sub-lessee holding under either of them, pursuant to any lease or sub-lease granted by the city or parking authority as may be permitted by law, to promote the establishment of parking services and facilities, but portions of the street level or lower floors of the parking facilities may be leased for commercial use, including emergency automobile repair service and the sale by the lessee of any commodity of trade or commerce or any service except the sale of gasoline or automobile accessories; and*

(b) *The department, with the written approval of the Governor, determines that the lease or grant (i) will aid in promoting the public safety, convenience and welfare of the people of Philadelphia by aiding in the establishment of adequate parking services for the convenience of the public and otherwise promoting the public policy of the Commonwealth in authorization for the creation of parking authorities, and (ii) will not unduly interfere with the promotion of those public objects for which the State park area was acquired and for which it is held.*

Any lease or grant shall be upon the terms and conditions and for the period or periods of time the department, with the written approval of the Governor, may prescribe. The department shall execute and deliver and is empowered to receive deeds or other legal instruments necessary to effectuate any lease or grant. All deeds and instruments shall have the prior approval of the Department of Justice, and a copy thereof shall be filed with the Department of Community Affairs.

(9) *To make and execute contracts or leases in the name of the Commonwealth for the mining or removal of any oil or gas that may be found in a State park whenever it shall appear to the satisfaction of the department that it would be for the best interests of the State to make such disposition of said oil and gas. Any proposed contracts or leases of oil and gas exceeding one thousand dollars (\$1,000) in value shall be advertised once a week for three weeks in at least two newspapers published nearest the locality indicated in advance of awarding such contract or lease. Such contracts or leases may then be awarded to the highest and best bidder who shall give bond for the proper performance of the contract as the department shall designate.*

ATTACHMENT C.9.B
PROVISIONS OF ACT NO. 8,
1964 SPECIAL SESSION OF THE GENERAL
ASSEMBLY OF THE COMMONWEALTH OF
PENNSYLVANIA RELATING TO
IN-LIEU-OF-TAX PAYMENTS

Section 19. In-lieu-of-tax Payments.—(a) Whenever an acquisition by the Commonwealth under this act reduces the taxable base within a political subdivision or school district, the officers of such political subdivision or school district, authorized by law to levy taxes, shall immediately after such acquisition request the State Tax Equalization Board to determine, and the State Tax Equalization Board upon receipt of such request, shall determine and certify, to the Auditor General and the Secretary of Forests and Waters, the prior market value of the acquired property and the prior market value of the remaining taxable real estate base. For the purposes of this section, the market value of specified property for any one year shall be ascertained by multiplying its assessed value for that year by the ratio of the aggregate market value to the aggregate assessed value of all taxable real estate located in the political subdivision or school district. The prior market values required to be determined shall mean market values ascertained on the basis of the most recent certification of the State Tax Equalization Board prior to acquisition.

(b) Beginning with the fiscal year during which a political subdivision or school district requests certification of the prior market values in accordance with subsection (a) of this section, or beginning with the fiscal year starting July 1, 1965, whichever is later, and ending with the fiscal year in which the acquired land is put to use as a public facility, such political subdivision or school district shall receive an annual in-lieu-of-tax payment calculated by multiplying the total real estate taxes levied by such political subdivision or school district for the current fiscal

year, by the quotient of the certified prior market value of the acquired property, divided by the sum of the certified prior market value of the acquired property plus the certified prior market value of the remaining taxable real estate base. If for any fiscal year following the fiscal year during which an acquired property is put to use as a public facility, the current market value of the remaining taxable real estate base is less than the sum of the certified prior market value of the acquired property, plus the certified prior market value of the remaining taxable real estate base, such political subdivision or school district shall receive for such fiscal year an in-lieu-of-tax payment calculated by multiplying the total real estate taxes levied by such political subdivision or school district for the current fiscal year, by the quotient of the sum of the certified prior market value of the acquired property, plus the certified prior market value of the remaining taxable real estate base, less the current market value of the remaining taxable real estate divided by the current market value of the remaining taxable real estate base: Provided, That such payment shall not exceed the product obtained by multiplying the total real estate taxes levied by such political subdivision or school district for the current fiscal year, by the quotient of the certified prior market value of the acquired property divided by the sum of the certified prior market value of the acquired property plus the certified prior market value of the remaining taxable real estate base. The payments so determined shall be paid by the State Treasurer on the audit and warrant of the Auditor General on the requisition of the Secretary of Forests and Waters.

(c) When payments by the Commonwealth cease as provided for in subsection (b) above, in-lieu-of-tax payments shall be made to political subdivisions or school districts for land acquired by the Commonwealth under this act in the manner provided by applicable provisions of law for State forest lands.

REFERENCES

1. Governor's Office, 1974-75 Budget, State of Pennsylvania
Volume 1.
2. Internal Unpublished Memorandum, Organizations and
Functions Manual, 7 November 1973, unnumbered pages.

C.10 PROFILE OF
TENNESSEE WILDLIFE RESOURCES AGENCY

The Wildlife Resources Agency was first created as the Game and Fish Department in 1903 when all wildlife was declared to be the property of the state, the office of the State Game and Fish Warden was established, and a procedure to license hunters and fishermen was set up.

The game and fish function was originally established in the Department of Agriculture. In 1937, the game and fish management function was transferred to the newly created Department of Conservation. The reorganization of 1974 transferred the game and fish function back to the Department of Agriculture.

A. STATUTORY AUTHORITY AND RESPONSIBILITIES

Present responsibilities are governed by the Model Game and Fish Law of 1949 and by the Public Acts of 1974. The Model Fish and Game Law established a Commission to administer all laws relating to fish, game, and boating safety enacted by the General Assembly or any other law, for the protection or management of wildlife enacted by the Commission as a proclamation or regulation.

Public Acts of 1974, Chapter 481, April, 1974, changed the name of the Fish and Game Commission and delegated its duties to the Wildlife Resources Agency. The 1974 Public Acts also created a Wildlife Resources Commission to set policy and to approve the budget, and to appoint the Executive Director of the Wildlife Resources Agency.

The functions of the agency and of the Commission are as follows:

WILDLIFE RESOURCES AGENCY

1. Make expenditures from Wildlife Resources Fund and Boating Safety Fund.
2. Protect and conserve the wildlife of the state.
3. Acquire by purchase, condemnation, lease, agreement, gift, or devise, lands or water suitable for the purposes of operating fish hatcheries, wildlife protection and management, and for providing public use.
4. Extend and consolidate by exchange lands or waters suitable for the above purposes.
5. Enter into cooperative agreements with farmers, landowners, and others for the utilization of lands under their ownership or control for the purpose of protecting, propagating, capturing, conserving, restoring, or taking wildlife.
6. Enter into cooperative agreements with any educational or institutional body or any Federal and state governmental agency for the management of wildlife in areas of common jurisdiction.

WILDLIFE RESOURCES COMMISSION (10 appointed, with one elected by members to serve as chairman):

1. Appoint and dismiss the executive director.
2. Approve the budget for each fiscal year.

3. Establish objectives which would help the agency develop programs of hunting, fishing, trapping and wildlife related outdoor recreational activities (1).

B. ADMINISTRATIVE ORGANIZATION

The Tennessee Wildlife Resources Agency is organized into two branches, one for central staff services and one for field activities (See Figure C.10.1).

Each branch is headed by an Assistant Director who reports directly to the Executive Director in Nashville. The Assistant Director for Field Operations is in charge of implementing management activities including law enforcement. He performs the work through four regional managers who, with assistant regional managers, are responsible for all agency programs in their geographic area.

The Assistant Director for Nashville Staff Operations coordinates the functions of the Division of Law Enforcement, Engineering, Real Estate, Planning and Environmental Resources, Administrative Services and the Office of Federal Aid Coordination.

Two separate Divisions, Information-Education, and Personnel, report directly to the Director.

C. BUDGETING, SOURCE OF FUNDS, AND UNIT COSTS

A summary of the Tennessee Wildlife Resources Agency budget by object of expenditure and source of funds is shown in Figures C.10.2 and C.10.3. Figure C.10.2 shows the gross funds available in FY 1973 and FY 1974 and pro-

Figure C.10.1 Organization of the Tennessee Wildlife Resources Agency

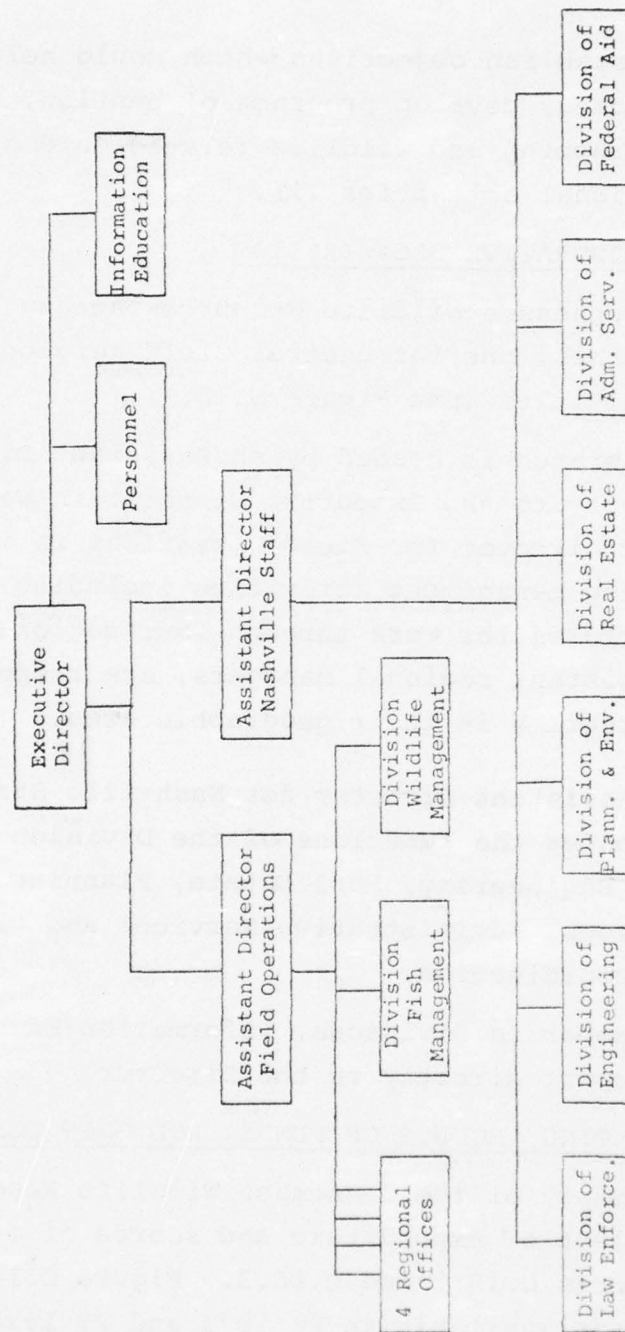


Figure C.10.2 Summary Budget Data

FY 1973

Budgeted Funds	\$4,797,639.75	
Federal Aid & Other Funds	1,414,084.25	
Total Funds		\$6,211,724.00
Estimated balance 6/30/73		209,484.25

FY 1974

Budgeted Funds	5,619,265.00	
Federal Aid & Other Funds	1,638,565.00	
Total Funds		7,257,830.00
Estimated balance 6/30/74		302,266.00

FY 1975 Estimated

Budgeted Funds	6,155,402	
Federal Aid & Other Funds	2,900,734	
Total Funds		\$9,056,136.00

NOTE: Federal Aid and Other Funds include

1. Pittman-Robertson Act Funds - The federal Aid in Wildlife Restoration Act of 1937 provides federal aid to the states on a matching basis from an excise tax on guns and ammunition compounded into the Wildlife Restoration Fund.
2. Dingell-Johnson Act Funds - This source provides federal aid to the states from an excise tax on certain items of sport fishing tackle compounded into the Fish Restoration Fund.

Figure C.10.3 1974-75 Budget Summary by Expenditure Classification

Expenditure ^g	State	D-J ^a	P-R ^b	88-309 ^c	Other ^d	Boating ^e	Total ^f
01	3,349,203	186,076	539,954		10,307	247,416	4,332,956
02	436,319	21,844	68,642		2,556	23,737	553,098
03	422,052	26,927	34,900		1,560	52,173	537,612
04	162,902	473	7,452			638	171,465
05	62,258	1,433	4,047			421	68,159
06	124,113	2,229	7,876			985	135,203
07	48,041	490	13,419			363	62,313
08	125,391	15,150	162,193	26,000	25,000	220	353,954
09	383,941	20,295	206,058		12,386	10,509	633,189
10	133,565	8,160	38,178			729	180,632
11	248,992	11,186	127,609			20,093	407,880
12	801		79			50	930
13	10,000						10,000
14	-58,825	18,300	8,425			6,200	-25,900
16	283,045	10,808	110,268			32,566	441,687
17	253,000	264,000	375,000				892,000
19	8,982		2,213				11,195
20	156,622	56,925	91		70,000	6,125	289,763
TOTALS	6,155,402	644,296	1,706,404	26,000	121,809	402,225	9,056,136

Column Key (Source of Funds)

- a D-J - Dingell-Johnson
- b P-R - Pittman-Robertson
- c 88-309 - PL 88-309
- d Other - Misc.
- e Boating - Boating Special Revenue

g Expenditure Key

- 01. Salaries & Wages
- 02. Employee Benefits
- 03. Travel
- 04. Printing
- 05. Utilities & Fuel
- 06. Communication
- 07. Maintenance

08. Professional Services and dues

- 09. Supplies and Materials
- 10. Rentals and Insurance
- 11. Motor Vehicle Operation
- 12. Awards and Indemnities
- 13. Grants and Subsidies
- 14. Unclassified
- 16. Equipment
- 17. Purchase of Land
- 19. Site Development
- 20. Construction

jected availability for FY 1975. Figure C.10.3 provides the FY 1975 budget summary by classifications and identifies the funding, by source, for each classification.

A Wildlife Resources Fund created by Public Acts of 1974, is made up of license payments, contraband, fines, penalties, and forfeitures, which pay for the agency's necessary administrative expenses as well as for the purchase of lands suitable for wildlife management areas, fishing areas, access areas, fish hatcheries and for the "promotion, advancement and efficient management of wildlife". The rest of the funds are from general revenue sources or from federal aid (Fish and Wildlife Restoration Acts).

At present, unit cost analyses are not part of the program. However, the Planning and Environmental Resources Division, in conjunction with the Administrative Services Division, is working on a system of comprehensive planning for wildlife modeled after the Colorado plan. The agency foresees unit costs and regional program package budgeting in effect by FY 1975-1976. Right now, all proposals are in an introductory stage.

D. PROVISIONS FOR PAYMENTS TO LOCAL GOVERNMENTS IN LIEU OF TAXES

There is one provision in Section 5, Chapter 481, Public Acts of 1974, for payments to local governments included in the authority to acquire lands by purchase or otherwise which allows the agency to acquire tax delinquent lands (2).

E. ADMINISTRATION OF FEES AND CHARGES

The Wildlife Resources Agency Director and his agents have the power to collect certain fees and charges

through the county clerks or other legally designated license sales agents. The fees are set up as follows (3):

- 1) annual hunting, fishing, trapping and guiding license -
 - a) resident's hunting and sport fishing license. \$ 5.00
 - b) resident's guide license \$ 1.00
 - c) resident's trappers license. \$ 2.00
 - d) nonresident's sport fishing license. \$10.00
 - e) nonresident's statewide hunting license. \$25.00
- 2) other schedules for fees;
 - a) resident's and nonresident's sport fishing license for three consecutive days. \$ 2.00
 - b) resident's and nonresident's sport fishing license for ten consecutive days. \$ 3.00
 - c) one day resident sport fishing . . . \$.50
 - d) nonresident hunting for three consecutive days. \$ 6.00
 - e) nonresident annual license for hunting small game, migratory birds and waterfowl. \$15.00

Persons entitled to a license without payment of a fee include the following (4):

- 1) residents of Tennessee certified to be blind to the extent that maximum correction does not exceed 20/200 in the better eye.
- 2) residents of Tennessee 65 years old and older.
- 3) residents of Tennessee who are disabled veterans (80% or more disabled).

Even though these fees are designated by the director, they have not been substantially upgraded to compete with the private market or with other public agencies. The Tennessee Wildlife Resources Agency is presently studying the possibility of raising its fees.

F. AUTHORITY TO ACQUIRE LAND FOR RECREATION PURPOSES

Although recreation is not a specifically expressed purpose for the acquisition of land, the Tennessee Wildlife Resources Agency has very broad authority to acquire land for public hunting, fishing or trapping which would evidently include the recreational aspects of such activities. The specific provisions are found in Section 5 of Chapter 481, Public Acts of 1974, and is included as Attachment C.10.A.

G. AUTHORITY AND PROCEDURES FOR LEASING LAND AND/OR FACILITIES TO PRIVATE INDIVIDUALS

The Tennessee Wildlife Resources Agency has no private capital development and contractual management and no public development with contractual management or specific concession policies.

The Agency does consent to federal acquisition of land for wildlife refuges. Title 51, Section 609 states: "... consent is granted to the United States to acquire by purchase, condemnation, gift, lease or exchange, lands and waters within the State which the Secretary of the Interior may deem necessary and suitable in furtherance of the Migratory Bird Treaty Act and the Migratory Bird Conservation Act."

The provisions regarding PL 75-415 (Federal Aid in Wildlife Restoration) and PL 81-681 (Federal Aid in Fish

Restoration) have no lease requirements; they authorize the State to "perform such acts as may be necessary to the conduct and establishment of cooperative fisheries, restoration, management, developmental, and research projects as defined by Congress." There are no specific provisions for concessions.

While the State of Tennessee does not lease lands to private individuals for fish and wildlife management, the State does acquire or lease lands from private individuals and public corporations for the purpose of obtaining the exclusive game and fish rights and the right to manage, administer, protect, stock, and propagate wild birds, wild animals and fish. The State also acquires the right to permit hunting and fishing upon these areas in accordance with agency rules and regulations (5). Game and fish rights are acquired for any period of years that the private owner agrees to (6). The director may sublet the rights secured from private individuals to any other public agency of the state or federal government for management purposes but this has not been done except for the cooperative regulatory fishing, hunting, or trapping in the area (7).

A list of the Tennessee Wildlife Resources Agency leases is shown in Table C.10.1.

Table C.10.1 Wildlife Areas

WILDLIFE AREAS - TENNESSEE
December 1973

Area	Counties	Ownership	Acres
Anderson-Tully	Lauderdale	Private	30,000
Shelby	Shelby	State-Park	12,900
Reelfoot	Lake-Obion	State-Game & Fish Commission	13,900
Natchez Trace	Henderson-Carroll	State-Parks	43,000
Laurel Hill	Lawrence	State-Game & Fish Commission	14,000
Cheatham	Cheatham	State-Game & Fish Commission	20,810
AEDC	Coffee-Franklin	Federal-Air Force	36,500
Prentice Cooper	Marion-Hamilton	State-Forest	26,800
Catoosa	Cumberland-Morgan	State-Game & Fish Commission	79,540
Chuck Swan	Union-Campbell	State-Game & Fish Commission	24,300
Moss Island	Dyer	State-Game & Fish Commission	3,200
Gooch	Obion	State-Game & Fish Commission	6,180
Tigrett	Dyer	State-Game & Fish Commission	3,900
Chickamauga Reservoir	Rhea-Meigs	State-Game & Fish Commission	9,380
Watts Bar Reservoir	Roane	Federal-TVA-State-Game & Fish	3,835
Douglas Reservoir	Jefferson	Federal-TVA	1,255
Kentucky Lake Reservoir	Henry-Benton	Federal-TVA	11,040
Old Hickory Reservoir	Sumner-Willson-Trousdale	Federal-Corps of Engineers	27,778
Cheatham Reservoir	Cheatham	Federal-Corps of Engineers	2,722
Barkley Reservoir	Stewart	Federal-Corps of Engineers	3,609
Percy Priest	Rutherford	Federal-Corps of Engineers	1,400
Tennessee River Pulp & Paper	Hardin-Wayne	Private	13,559
Hassell & Hughes	Wayne	Private	26,000
Gulf	In Cherokee Nat'l. Forest	Private	6,872
American Lumber	In Cherokee Nat'l. Forest	Private	14,000
Tackett Creek	Claiborne	Private	20,000
Cove Creek	Campbell	Federal-TVA	2,569
Pickett	Pickett	State Parks	11,000
Standing Stone	Overton	State Parks	8,764
Chickasaw	Hardeman-Chester	State Parks	11,215
Nickey Brothers	Benton	Private	12,000
Western Kraft	Perry-Lewis-Hickman	Private	35,052
Cherokee	Cherokee Nat'l. Forest	Federal-Forest	609,000
Central State	Davidson	State-Mental Health	490
Hermitage	Davidson	State-Conservation	460
Total			1,147,030

ATTACHMENT C.10.A

SELECTED SECTIONS OF CHAPTER 481,
PUBLIC ACTS OF 1974, STATE OF
TENNESSEE RELATING TO THE DUTIES,
FUNCTION, AND BUDGET OF THE
WILDLIFE RESOURCES AGENCY

SECTION 5. DUTIES AND FUNCTIONS OF THE WILDLIFE RESOURCES AGENCY. - The Wildlife resources agency is directed and authorized to perform the following duties and functions:

(1) Make such expenditures from funds in the Wildlife Resources Fund and the Boating Safety Fund it deems advisable subject to the provisions of Titles 9 and 12, and Section 12 of this Act.

(2) Protect, propagate, increase, preserve and conserve the wildlife of this state, and to enforce by proper action and proceedings, the existing laws of this state relating thereto.

(3) To acquire by purchase, condemnation, lease, agreement, gift or devise, lands or waters suitable for the purposes hereinafter enumerated, and develop, operate and maintain the same for the said purposes, subject to the provisions of Section 12 of this Act.

- (a) For fish hatcheries and nursery ponds;
- (b) Lands or waters suitable for game, birds, fish, or fur-bearing animal restoration, propagation, protection, management, or for access to such lands or waters;
- (c) For public hunting, fishing or trapping areas to provide places where the public may hunt, trap or fish in accordance with the provisions of law or the regulations of the agency.

(4) To extend and consolidate by exchange lands or waters suitable for the above purposes.

(5) To capture, propagate, transport, buy, sell, or exchange any species of game, bird,

fish, fur-bearing animal or other wildlife needed for propagation or stocking purposes, or to exercise control measures of undesirable species.

(6) The agency is empowered to enter into cooperative arrangements with farmers and other landowners or lessees for the utilization of lands under their ownership or control for the purpose of protecting, propagating, conserving, restoring, taking or capturing of the wildlife of the state, under such rules and regulations as the agency may prescribe.

(7) The agency shall have the further power to enter into cooperative agreements with educational institutions and state, federal, and other agencies to promote wildlife management and conservation.

The agency may enter into cooperative agreements with the U. S. Tennessee Valley Authority, U.S. Fish and Wildlife Service, National Park Service, U. S. Forest Service, or with any other federal agency, or with any state bordering or adjoining Tennessee for the purpose of regulating fishing, hunting, or trapping in the area under jurisdiction of the federal agencies or in interstate waters, as the case may be. Such regulations shall become effective as soon as they shall have been accepted by all parties to the agreement and as soon as thirty (30) days shall have elapsed from the first publication of such regulation.

SECTION 12. BUDGET - BUDGET REPORTS. - The wildlife resources commission shall approve the budget, including any amendments thereto, for the administration of this title for each fiscal year. All funds to the credit of the agency shall be drawn by the executive director of the wildlife resources agency by warrant upon the department of finance and administration and such warrant shall have

attached thereto or contained therein an itemized statement as to what said warrant covers. All purchases and expenditures are subject to the provisions of Titles 9 and 12. The agency shall not contract any indebtedness or obligations beyond the funds available to its use. The executive director is further granted the power and authority to fix the compensation of all employees under his jurisdiction, and is authorized to hire and dismiss such personnel as he deems necessary to carry out the provisions of this title, subject to the approval of the department of personnel.

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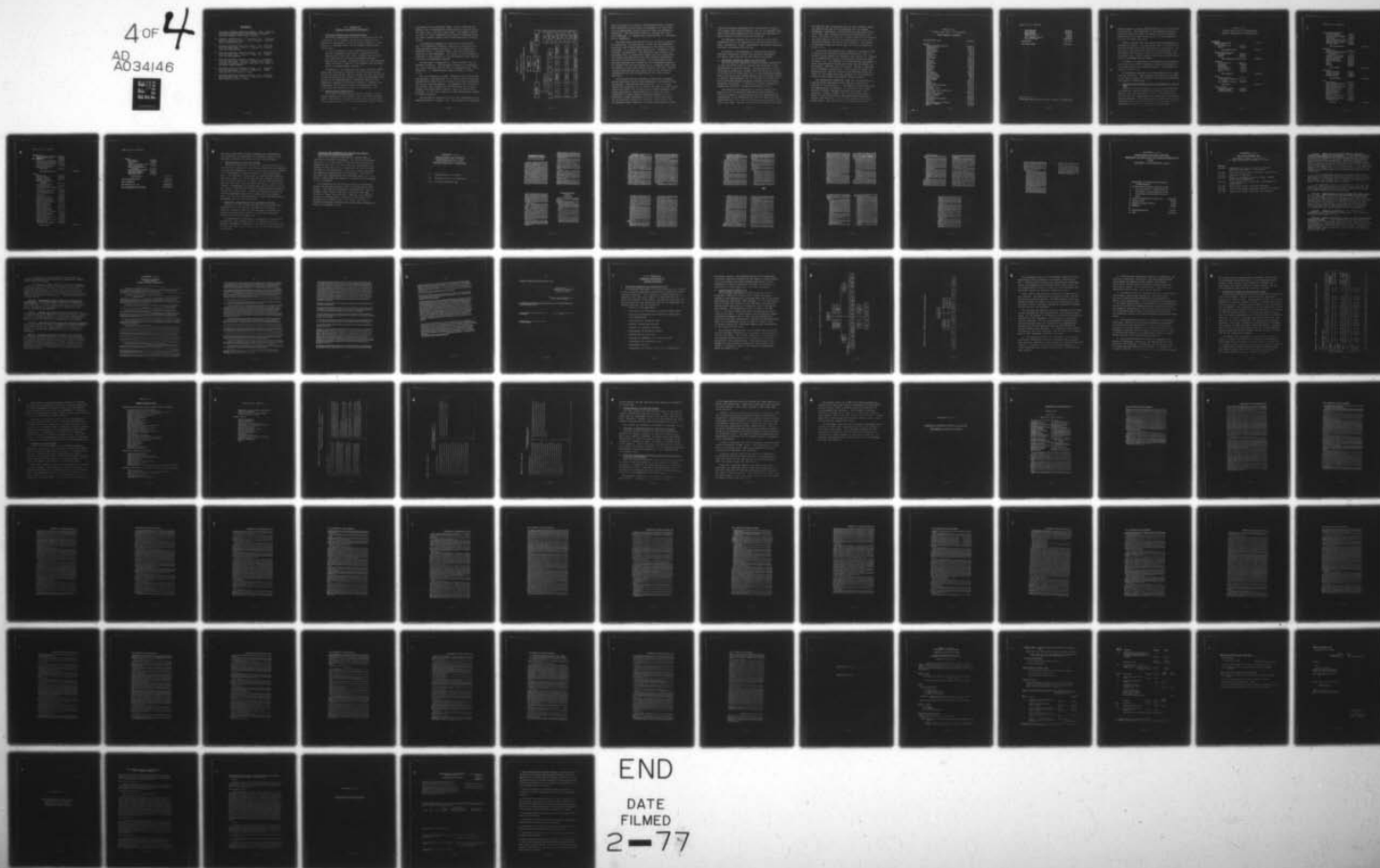
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1. Tennessee Wildlife Resources Agency. 1974. Index of legislation pertaining to the Tennessee Wildlife Resources Agency, Public Acts of 1974.
2. Personal Communication. 5 September 1974. Tennessee Wildlife Resources Agency. Staff attorney. Central staff services branch.
3. Tennessee Wildlife Resources Agency. ND. Tennessee fish and game laws. Title 51, chapter 203, license fees and requirements.
4. Tennessee Wildlife Resources Agency. ND. Tennessee fish and game laws. Title 51, chapter 203, license fees and requirements.
5. Tennessee Wildlife Resources Agency, ND. Tennessee fish and game laws. Title 51, chapter 613, right of director to acquire exclusive game and fish rights in privately owned property.
6. Tennessee Wildlife Resources Agency. ND. Tennessee fish and game laws. Title 51, chapter 51, rights acquired for any period of years.
7. Tennessee Wildlife Resources Agency. ND. Tennessee fish and game laws. Title 51, chapter 616, director may release or sublet rights.

C.11 PROFILE OF
MISSOURI CONSERVATION COMMISSION

A. STATUTORY AUTHORITY AND RESPONSIBILITIES

The article describing the powers, responsibilities and limitations of the Missouri Conservation Commission was approved at referendum in 1936 and became effective in 1937. Article IV, Sections 40-46, of the Missouri Constitution states that:

"...the jurisdiction of the Commission shall be the control, management, restoration, conservation and regulation of bird, fish, game, forestry and all wild-life resources of the state, including hatcheries, sanctuaries, refuges, reservations and all other property owned, acquired or used for such purposes and the acquisition and establishment thereof..."

In addition to the constitutional base, there are amplifying laws contained in Sections 252.010 through 252.230, 254.250 through 254.300, 560.570 through 560.585, and 564.480 of the Revised Statutes, Missouri, 1969, which delineate the duties of the Commission and of authorized agents of the Commission regarding the taking of wildlife, licenses, the enforcement of law and the limits of prosecution. (All authorities and laws can be found in Attachment C.11.A.

B. ADMINISTRATIVE ORGANIZATION

The Missouri Conservation Commission consists of four members appointed by the Governor, with the advice and consent of the Senate, for six year terms. Not more than two of the members shall be of the same political party. Two of

the members serve concurrent terms. Of the remaining two members, one is appointed two years prior to, and the other two years after, the concurrent terms. The members receive no salary or other compensation but receive necessary travel and other expenses incurred while performing their official duties.

The Commission appoints the Director of Conservation who, with Commission approval, appoints the assistants and other personnel deemed necessary to meet the Commission's responsibilities. During 38 years, there have been three directors of the department. The tenure of the directors is reflected in the stability of the professional staff and the continuity of department programs.

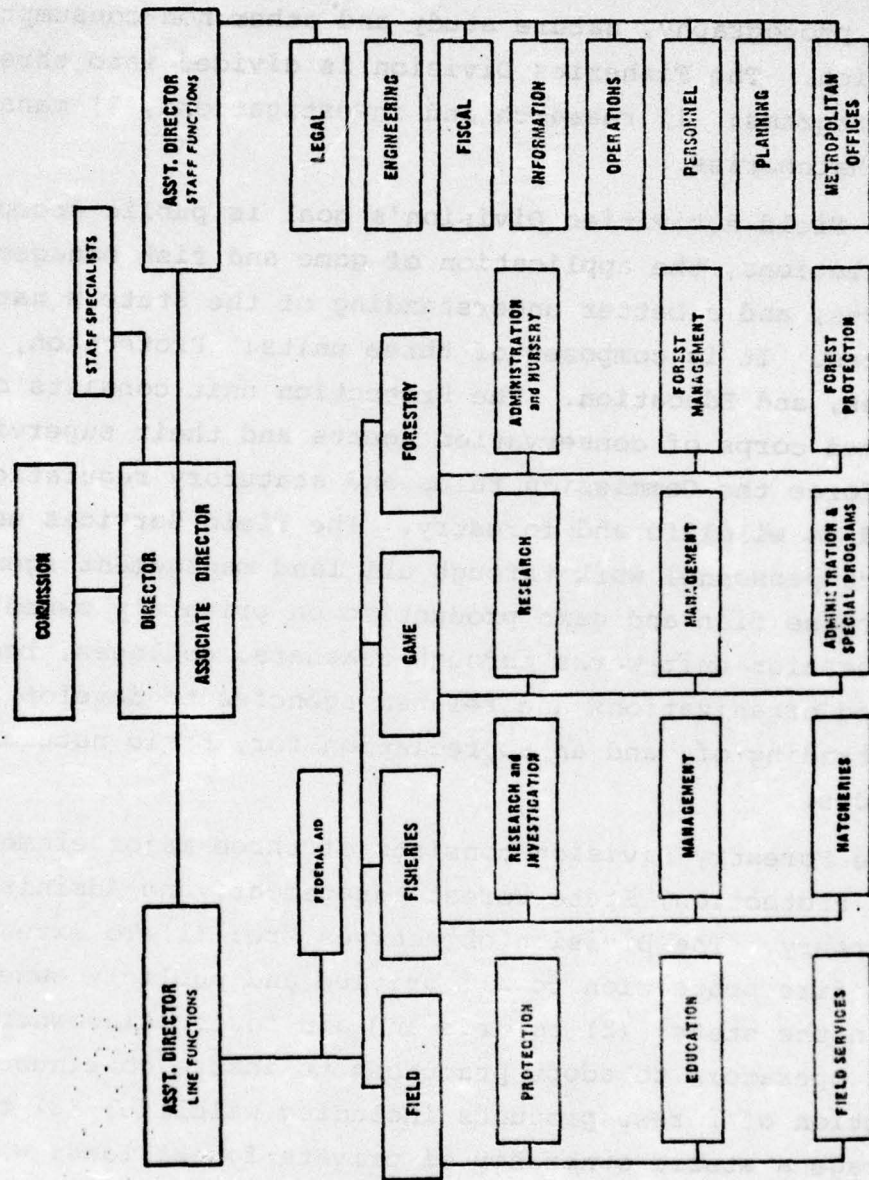
The Director is supported by a Deputy Director and two Assistant Directors. One Assistant Director is responsible for "line functions" and the other is responsible for "staff functions". An organizational chart is shown in Figure C.11.1.

The line divisions are game, fisheries, field activities, and forestry. The objective of the Game Division is optimum production of wildlife to its fullest use without endangering the various wildlife species. To accomplish this objective, the Division has a Section of Game Management which is subdivided into upland game, migratory game, and forest game programs. It also has a Section of game research and a number of special projects.

The Division of Fisheries has the basic responsibility of managing Missouri's aquatic life. The objective has generally

Figure C.11.1

Organization of the
Missouri Conservation Commission



been to provide or to assure fishing opportunities, however, more attention is being given to management for other uses such as photography, nature study and other non-consumptive recreation. The Fisheries Division is divided into three major programs: 1) research and investigations, 2) management and 3) hatcheries.

The Field Activities Division's goal is public acceptance of regulations, the application of game and fish management practices, and a better understanding of the State's natural resources. It is composed of three units: Protection, Field Services, and Education. The Protection unit consists of a uniformed corps of conservation agents and their supervisors who enforce the Commission rules and statutory regulations related to wildlife and forestry. The Field Services unit district personnel work through all land management agencies to increase fish and game production on privately owned lands. The Education unit works through teachers, colleges, resource oriented organizations and related agencies to develop an understanding of, and an appreciation for, basic natural resources.

The Forestry Division consists of three major elements: Forest Protection; State Forest Management; and Administration and Nursery. The Division objectives are: (1) To extend forest fire protection to all private and publicly owned forest land in the state; (2) to urge and aid forest landowners and timber operators to adopt practices to insure continuous production of forest products including wildlife; (3) to encourage a stable ownership of private forest lands which can be profitably managed for perpetual forest crops; (4) to encourage public ownership and proper management of forest

lands which private ownership has no inclination to manage for forestry and wildlife purposes; and (5) to cooperate with public and private agencies in the control and abatement of major attacks of forest insects and diseases.

The Assistant Director for staff functions has overall responsibility for the supporting activities consisting of legal, engineering, fiscal, information, operations, personnel, planning, and metropolitan offices.

In addition, the Department of Conservation performs specific recreational, forest and vegetation management activities under contract for the Corps of Engineers.

C. BUDGETING, SOURCE OF FUNDS, AND UNIT COSTS

The Conservation Commission funds are either dedicated to it from activities which it controls and regulates, or are appropriated as general revenue. The major portion of the Conservation Commission's budget (\$12,732,832 out of a total of \$13,821,028 in fiscal year 1975) is from dedicated sources. Funds from hunting and fishing permits are the largest source of revenue (approximately 2/3, or \$8 million) and they cannot be diverted through the State's general fund to other government activities. A tabulation of permit receipts for fiscal year 1972-1973 is shown as Attachment C.11.B.

The authority for dedication is found in Article IV, Section 43 of the Missouri Constitution which provides, "The fees, moneys, or funds arising from the operation and transactions of the commission and from the application and administration of the laws and regulations pertaining to the bird, fish, game, forestry and wildlife resources of the state

and from the sale of property used for said purposes, shall be expended and used by the commission for the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and wildlife resources of the state, including the purchase or other acquisition of property for said purposes, and for the administration of the laws pertaining thereto, and for no other purpose." The sources of dedicated funds for fiscal year 1972-1973 are shown in Table C.11.1.

Even though the Conservation Commission's dedicated funds go through the legislative appropriations cycle, they are seldom reduced because the reduction would result in a surplus in the Commission's account and would not release the money for other uses. In addition, the constitutional dedication of funds from conservation type activities and use charges has guaranteed a specific level of funding. Efforts a few years ago to dedicate a special tax on soft drinks to expand the program failed, and the Commission has operated within the limits of its income (with the exception of fire protection which has been funded from general revenue sources).

The Conservation Commission funds are appropriated as a lump sum which essentially gives them the authority to allocate it as they see fit. (The general revenue portion of the appropriation (\$1,088,205) is limited to three items: personal services, equipment purchase and repair; and operation. General revenue funds are considered supplemental to the constitutional dedicated funds because the general fund uses have a public value greater than conservation alone. The Forestry Division has traditionally

Table C.11.1
Fiscal Year 1972 - 73 Receipts*

MISSOURI DEPARTMENT OF CONSERVATION

CASH BALANCE-JULY 1, 1972 2,559,562.96

RECEIPTS:

Hunting and Fishing Permit Sales	7,803,359.88
Commercial Permits	80,399.50
Service Fees	48,892.18
Rent Deductions	27,682.50
Surplus Property	57,253.32
Mining Lease	14,794.56
Rotenone	4,078.00
Seized Property	235.85
Donations	20,021.51
Miscellaneous	16,004.65
Film	23,563.80
Publication	51,666.09
Duck Creek	34,957.34
Fountain Grove	19,550.57
Montrose	11,149.83
Schell-Osage	21,968.34
Swan Lake	11,225.25
Thomas Hill	219.08
Trimble	11,078.65
Upland Game	57,510.31
Ted Shanks Area	53,234.42
Upper Mississippi	6,453.50
Stockton Reservoir	2,609.97
Wappapello Reservoir	5,026.47
Refuge Receipts	274.12
Bennett Springs	175,057.50
Meramec	53,850.75
Montauk	102,627.50
Roaring River	85,373.75
August A. Busch Wildlife Area	128,711.79
Blind Pony	1,347.25
Miscellaneous Areas	22,940.66
Concessions	14,579.20
James A. Reed Memorial Wildlife Area	64,775.87
Timber Sales	66,857.28
Nursery - Tree Seedlings	102,532.34
Special Use Permits	8,513.94
Forestry Title IV	26,000.00
Fire Control	427,848.33
Cooperative Forest Management	145,479.00
Pest Control	15,000.00
Water Sheds	10,700.00
Resource, Conservation Development	34,000.00
Vegetative Management	163,373.00
G.F.A.	12,366.22

Table C.11.1 (Cont'd)

Pittman-Robertson	711,229.17
F.W.S. Contracts	22,183.46
Dingell-Johnson	219,727.62
Commercial Fisheries	19,407.65
F.W.S. Contracts	3,000.00
Corp of Engineers Contracts	40,604.00
Land and Water Funds	<u>250,840.97</u>
TOTAL RECEIPTS	11,312,136.94
TOTAL FUNDS AVAILABLE	13,871,699.90

*
From Annual Report 1972-1973, Missouri Department of Conservation

received general revenue appropriations for the fire protection function. The percentage of the Forestry Division's budget provided from general revenue has shown a general decline since 1970 when it was 45.6%. It is projected to be 37.6% in fiscal year 1976.

Capital programs and land acquisition are budgeted on a pay-as-you-go basis. For the current year, \$1.5 million of revenue sharing funds have been used on a 50-50 basis - 50% for forest land acquisition and 50% for development at the Ted Shanks Wildlife Area. For fiscal year 1974, \$810,000 of general state revenue sharing funds were used for development at Ted Shanks Wildlife Area.

A schedule of Department of Conservation disbursements for fiscal year 1972-1973 shows the internal allocation of the revenue among the various functions. This schedule is shown as Table C.11.2.

No systematic approach to the development of unit costs has been developed. Some workload indicators are included in the annual reports but these are not directly associated with specific expenditures.

D. PROVISIONS FOR PAYMENTS TO LOCAL GOVERNMENTS IN LIEU OF TAXES

Payments in lieu of taxes to local units of government are covered in Sections 254.070 and 254.110 of the State Forestry Law (see Attachment C.11.C). These sections of the law apply to lands owned by the state and classified as forest croplands. They also apply to privately owned forest croplands within state forests when they are specifically designated as such by the Conservation Commission.

Table C.11.2
Fiscal Year 1972-73 Disbursements
Missouri Department of Conservation

DISBURSEMENTS:

Commission Travel Expense		3,139.37
Director's Office		
Salaries and Travel	146,143.23	
Services	<u>98,602.99</u>	

TOTAL DIRECTOR'S OFFICE		244,746.22
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Department and Staff Services		
Metropolitan Offices	110,172.57	
Personnel	59,049.81	
Planning	<u>50,163.65</u>	

TOTAL DEPARTMENTAL AND STAFF SERVICES		219,386.03
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Information		
Salaries and Travel	188,311.21	
Publications	265,834.77	
News Service	832.55	
Visual Services	35,475.25	
Exhibits and Fairs	8,543.34	
Radio and Television	23,602.36	
Library	<u>640.13</u>	

TOTAL INFORMATION		523,239.61
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Fiscal		
Salaries and Travel	142,612.15	
Social Security, Retirement and Insurance	785,702.06	
Office Supplies & Equipment	<u>308,609.74</u>	

TOTAL FISCAL		1,236,923.95
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Field Activities		
Division Chiefs Office	28,187.13	
Protection Salaries	1,235,243.74	
Protection Operations	<u>285,719.84</u>	

Table C.11.2 (Cont'd)

Field Activities (Continued)		
Protection Equipment	62,108.45	
Protection Special Services	3,256.00	
Protection Special Activities	7,309.89	
Hunter Safety	22,080.23	
Field Service Salaries & Travel	123,725.70	
Wildlife Production & Services	9,768.32	
Education Salaries & Travel	150,864.26	
Education Supplies	<u>1,353.63</u>	
TOTAL FIELD ACTIVITIES		1,929,617.19
Operations		
Administration	49,039.14	
Headquarters Operations & Maint.	171,270.06	
Columbia Office Operations & Maintenance	47,393.56	
Maintenance & Construction	230,333.29	
Fisheries Area Maintenance	37,354.62	
Game Area Maintenance	26,633.36	
Equipment Maintenance	168,119.50	
Field Division Vehicles	393,977.87	
Radio	140,992.70	
Aircraft	72,101.64	
Sign Shop	<u>25,286.11</u>	
TOTAL OPERATIONS		1,362,501.85
Engineering		
Salaries and Travel	328,465.97	
Equipment Operations	27,295.06	
Consulting Services	2,009.33	
Equipment Purchases	<u>47,966.65</u>	
TOTAL ENGINEERING		405,737.01
Game		
Central Office	180,101.76	
Habitat Management Improvement	6,174.73	
Wildlife Research Unit	21,500.00	
Forest Game Habitat Management	20,512.04	
Montrose Wildlife Area	63,606.63	
Forest Refuge Management	101,236.06	
General Operations	17,122.68	
Upland Game Management	172,364.27	
Donation Program	4,947.01	
Swan Lake Wildlife Area	36,624.90	
Credit Card Gasoline Purchase	11,261.92	
Duck Regulation Study	5,859.19	
Schell-Osage Wildlife Area	73,486.09	
Mourning Dove Study	<u>13,179.79</u>	
TOTAL GAME		727,977.07

Table C.11.2 (cont'd)

Game-Federal Aid		
Wildlife Research & Planning	294,357.57	
Duck Creek Wildlife Area	72,710.18	
Trimble	46,031.03	
Fountain Grove Wildlife Area	43,508.00	
Upper Mississippi Wildlife Area	45,218.95	
Forest Game Habitat Management	50,655.39	
Ted Shanks Wildlife Area	35,685.08	
Charles Green Research Area	21,027.76	
Pittman-Robertson Land Acquisition	<u>311,334.44</u>	
TOTAL GAME-FEDERAL AID		920,528.40
Fisheries		
Administration	81,095.94	
Division Operations	41,573.81	
Cooperative Programs	26,550.00	
Management Biologists	146,820.26	
Lake Area Administration, Construction and Operations	115,740.77	
August A. Busch Memorial Wildlife Area	144,480.95	
James A. Reed Memorial Wildlife Area	72,747.53	
Pony Express Wildlife Area	25,761.23	
Lake Paho Wildlife Area	35,593.08	
Little Dixie Wildlife Area	17,131.56	
Upper Big Lake	4,789.13	
Wolf Bayou	9,126.75	
Stream Access Projects	120,994.27	
Hatcheries Administration	20,815.37	
Hunnewell Multi Use Area	48,800.84	
Blind Pony Area & Hatchery	113,402.41	
Lewis and Clark Hatchery	40,414.96	
Chesapeake Hatchery	34,522.46	
Indian Trail Hatchery	29,175.88	
Montauk Hatchery	143,453.61	
Roaring River Hatchery	65,855.14	
Bennett Spring Hatchery	109,143.02	
Meramec Spring Hatchery	50,278.33	
Shepherd of the Hills Hatchery	130,599.35	
Hatchery Lab-Blind Pony	14,354.66	
Hatchery Lab-Springfield	15,140.48	
Fisheries Research	40,373.39	
Water Quality Investigations	68,169.33	
Stream Investigations	104,419.52	
Mississippi River Chute Study	16,680.62	
Paddlefish Study	21,243.36	
Impoundment Investigations	<u>102,549.90</u>	
TOTAL FISHERIES		2,011,797.91

Table C.11.2 (cont'd)

Forestry		
Fire Control	732,053.92	
Forest Research	3,500.00	
Nursery	215,862.06	
Forest Tree Improvement Program	15,300.57	
Public Area Maintenance	37,618.14	
Resource, Conservation and Development	39,807.69	
Cooperative Forest Management	268,355.10	
Vegetative Management	98,482.82	
State Forest Management	115,426.71	
Forest Pest Control	<u>14,770.06</u>	
TOTAL FORESTRY		1,541,177.07
CAPITAL IMPROVEMENT RESERVE		<u>34,022.81</u>
TOTAL DISBURSEMENTS		11,160,794.49
CASH BALANCE-June 30, 1973		<u>2,710,905.41</u>
TOTAL DISBURSEMENTS AND CASH BALANCE		13,871,699.90

Once state and private forest croplands are classified by the Commission, the Commission is required to make in-lieu payments of thirty five cents (35¢) per acre per year.

E. ADMINISTRATION OF FEES AND CHARGES

Entrance or admission fees are not charged for entry into the facilities operated by the Missouri Conservation Commission. Use fees are developed on a case-by-case basis and are approved by the Commission but are not charged in every management area. For instance, in the August A. Busch Wildlife Management Area, there is a 75¢ per day fee for fishing, \$1.00 per day for hunting deer with a longbow, 75¢ per hour for target practice, and other fees for other activities. Persons trout fishing in designated trout parks must pay a tag fee of \$1.50. The Jones A. Reid Memorial Wildlife Management Area charges a 50¢ per day training fee. Camping is permitted in Lake Paho Wildlife Management Area for \$1.50 per night per camping unit. The fee for hunting waterfowl in the Montrose Wildlife Management Area is \$4.00 per person.

F. AUTHORITY TO ACQUIRE LAND FOR RECREATION PURPOSES

Recreation is not a constitutional or statutorily designated purpose of the Missouri Conservation Commission. Although a number of the use fees previously discussed are related to recreational uses of its land and facilities, recreation is not the primary use.

The Conservation Commission is empowered to acquire land by purchase, gift, eminent domain, or otherwise for the control, management, restoration, conservation, and regulation of the bird, fish, game forestry, and all wildlife resources of the state.

G. AUTHORITY AND PROCEDURES FOR LEASING LAND AND/OR FACILITIES TO PRIVATE INDIVIDUALS

There is no specific authority for leasing land or facilities to private individuals. As a part of the administration of its conservation function, the Conservation Commission may enter into sharecrop type arrangements with farmers as long as the use is compatible with and promotes the goals of the Commission. The terms of these agreements are generally negotiated by the Commission's field staff and take into consideration the localized risks, i.e., the tenant's share might be greater if a portion of the cropland is in a floodplain.

The Commission has had difficulty getting concessions because the business activity level is not generally high enough. Less than ten concessions are operative; they are primarily boat rentals, and total income was less than \$15,000 in fiscal year 1972-1973. However, the Fisheries Division is contemplating a competitive procurement for a concessioner to operate one of its larger areas and a standard concessions contract has recently been developed as shown in Attachment C.11.D.

5

ATTACHMENT C.11.A
CONSTITUTIONAL AND STATUTORY
PROVISIONS RELATING TO THE
MISSOURI CONSERVATION COMMISSION

- I. Constitutional Provisions
- II. Wildlife and Forestry Statutes
- III. The State Forestry Law

CONSERVATION SECTIONS CONSTITUTION OF MISSOURI

(Article IV—Executive Department)

Section 40(a). Conservation commission—jurisdiction—number, qualifications, terms and reimbursement of members—vacancies. The control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations and all other property owned, acquired or used for such purposes and the acquisition and establishment thereof, and the administration of all laws pertaining thereto, shall be vested in a conservation commission consisting of four members appointed by the governor, by and with the advice and consent of the Senate, not more than two of whom shall be of the same political party. The members shall have knowledge of and interest in wildlife conservation. The members shall hold office for terms of six years beginning on the first day of July of consecutive odd years. Two of the terms shall be concurrent, one shall begin two years before and one two years after the concurrent terms. If the governor fails to fill a vacancy within thirty days, the remaining members

to the bird, fish, game, forestry and wildlife resources of the state and from the sale of property used for said purposes, shall be expended and used by the commission for the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and wildlife resources of the state, including the purchase of other acquisition of property for said purposes, and for the administration of the laws pertaining thereto, and for no other purpose.

Section 44. Self-enforceability—enabling clause—repealing clause. Sections 40-43, inclusive, of this article shall be self-enforcing, and laws not inconsistent therewith may be enacted in aid thereof. All existing laws inconsistent with this article shall no longer remain in force or effect.

Section 45. Rules and regulations—filing—review. The rules and regulations of the commission not relating to its organization and internal management shall become effective not less than ten days after being filed with the secretary of state as provided in section 16 of this article, and such final rules and regulations affecting private rights as are judicial or quasi-judicial in nature shall be subject to the judicial review provided in section 22 of article V.

Section 46. Distribution of rules and regulations. The commission shall supply to all persons on request, printed copies of its rules and regulations not relating to organization or internal management.

shall fill the vacancy for the unexpired term. The members shall receive no salary or other compensation for their services as members, but shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

Section 40(b). Incumbent members. The members of the present conservation commission shall serve out the terms for which they were appointed, with all their powers and duties.

Section 41. Acquisition of property—eminent domain. The commission may acquire by purchase, gift, eminent domain, or otherwise, all property necessary, useful or convenient for its purposes, and shall exercise the right of eminent domain as provided by law for the highway commission.

Section 42. Director of conservation and personnel of commission. The commission shall appoint a director of conservation who, with its approval, shall appoint the assistants and other employees deemed necessary by the commission. The commission shall fix the qualifications and salaries of the director and all appointees and employees, and none of its members shall be an appointee or employee.

Section 43. Use of revenues and funds of conservation commission. The fees, moneys, or funds arising from the operation and transactions of the commission and from the application and the administration of the laws and regulations pertaining

WILDLIFE AND FORESTRY STATUTES

R.S. Mo. 1959

252.010. Citation of chapter.—This law shall be known and may be cited as "The Wildlife and Forestry Law".

252.020. Definitions.—As used in this chapter, unless the context otherwise requires:

1. The word "commission" shall mean and include the conservation commission as established by the Constitution of Missouri; and the words "rules and regulations" shall mean those made by said commission pursuant thereto.
2. The word "person" shall mean any individual, male or female, singular or plural, of whatever age, and this term shall include and refer to any owner, grantee, lessee, licensee, permittee, firm, association, copartnership, corporation, municipality or county, as the context may require.
3. The word "wildlife" shall mean and include all wild birds, mammals, fish and other aquatic and amphibious forms, and all other wild animals, regardless of classification, whether resident, migratory or imported, protected or unprotected, dead or alive; and shall extend

to and include any and every part of any individual species of wildlife.

252.030. Wildlife of Missouri—ownership and title.—The ownership of and title to all wildlife of and within the state, whether resident, migratory or imported, dead or alive, are hereby declared to be in the state of Missouri. Any person who fails to comply with or who violates this law or any such rules and regulations shall not acquire or enforce any title, ownership or possessory right in any such wildlife; and any person who pursues, takes, kills, possesses or disposes of any such wildlife or attempts to do so, shall be deemed to consent that the title of said wildlife shall be and remain in the state of Missouri, for the purpose of control, management, restoration, conservation and regulation thereof.

252.040. Taking of wildlife—rules and regulations.—No wildlife shall be pursued, taken, killed, possessed or disposed of except in the manner, to the extent and at the time or times permitted by such rules and regulations; and any pursuit, taking, killing, possession or disposition thereof, except as permitted by such rules and regulations, are hereby prohibited. Any person violating this section shall be guilty of a misdemeanor.

252.060. License may be inspected—penalty for refusal.—It is hereby declared to be the duty of every person holding a license or permit issued pursuant to any such rules and regulations to submit the same for inspection by any agent of the com-

mission, or by any sheriff, marshal or constable or any deputy thereof. Any person holding such license or permit and refusing to submit the same when a proper demand is made therefor shall be deemed guilty of a misdemeanor.

252.070. Enforcement of law.—It shall be the duty of all sheriffs, marshals, constables and their deputies and of all other peace officers and of all prosecuting attorneys and their assistants, within their respective counties, and the city of St. Louis, to aid diligently in enforcing the provisions of the law and all such rules and regulations.

252.080. Arrests by commission agents, when.—Every authorized agent of the commission shall have the same power to serve criminal process as sheriffs and marshals, only in such cases as are violations of this law and rules and regulations of the commission, and have the same right as sheriffs and marshals to require aid in the execution of such process. Any such agent may arrest, without warrant, any person caught by him or in his view violating or who he has good reason to believe is violating, or has violated this law or any such rules and regulations, and take such person forthwith before a magistrate or any court having jurisdiction, who shall proceed without delay to hear, try and determine the matter as in other criminal cases.

252.090. Right of inspection by commission agents—penalty.—

1. It is hereby made the duty of every warehouse, merchant, or common carrier, or

agent, servant or employee thereof, to permit any agent of the commission to examine any package in the possession of said warehouse or common carrier, or agent, servant or employee thereof, which the said commission agent shall suspect or have reason to believe contains any wildlife not lawfully transported or had in possession, or when any such agent of the commission shall suspect or have reason to believe that the said package is falsely labeled.

2. Any person who shall refuse any such commission agent or any officer charged with the enforcement of this law and such rules and regulations permission to examine or open any such package or shall impede such action by any such commission agent or officer shall be deemed guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred and fifty dollars. Neither the commission nor any such agent or officer shall be liable for damages on account of any search, examination or seizure made in accordance with the provisions of this chapter.

252.100. Complaints—search warrants—penalty for resisting.—

1. Any authorized agent of the commission, sheriff, marshal or their deputies, may make complaint and cause proceedings to be commenced against any person for the violation

of this law or of any such rules and regulations and such officer shall not be obligated to furnish security for costs.

2. He may search, without warrant, any creel, container, gamebag, hunting coat, or boat in which he has reason to believe wildlife is unlawfully possessed or concealed; and at any and all times may seize any wildlife in the possession or control of any person violating or who there is a good reason to believe has violated this law or any of the rules or regulations of the commission; provided, however, that he shall first obtain a search warrant to enter and search an occupied dwelling and outbuildings immediately adjacent thereto, cold storage locker plant, motor vehicle, or sealed freight or express car for such purposes and then only in the daytime and in the search of a cold storage locker plant every precaution shall be exercised to prevent contamination of foods stored therein. Any judge, or magistrate having jurisdiction, shall issue to such agent, sheriff, or marshal, a search warrant upon his complaint being made on oath in writing that the affiant has reasonable and probable cause to believe that wildlife is possessed or concealed in such occupied dwellings and outbuildings immediately adjacent thereto, cold storage locker plant, motor vehicle, or sealed freight or express car contrary to this law or

to any such rules and regulations.

3. Any person who shall resist such search or interfere with such agent or officer in the execution of a search warrant shall be deemed guilty of a misdemeanor.

252.110. Service of warrant on corporation.—In case of a violation of this law or of any of the rules and regulations of the conservation commission by a corporation, a warrant of arrest may be read to the president, secretary or manager in this state or any general or local agent thereof in the county where the action is pending; and upon return of such warrant so served the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation; but this section shall not be construed to exempt any agent or employee of such corporation from prosecution.

252.120. Limitation of prosecution.—Prosecutions for violations of this law and for violations of any such laws, rules and regulations shall be commenced within one year from the date of any such violation, either by indictment, complaint or information.

252.130. Failure to pay fine and costs—procedure.—Whenever upon conviction the person convicted fails to pay the fine and costs imposed upon him, he shall be committed to the jail of the county or of the city of St. Louis or to some workhouse and shall there be kept confined one day for each

two dollars of the fine, and not more than twenty days for costs adjudged against him, unless otherwise paroled by the judge of the circuit or criminal courts of the state as otherwise provided by law in criminal cases.

252.140. Commission notified of results of prosecution.—It shall be the duty of every magistrate or clerk of the court before whom any prosecution under this chapter is commenced, or shall go on appeal and within twenty days after the trial or dismissal thereof, to report in writing the result thereof and the amount of fine collected, if any, to the commission.

252.150. Corporation owning dam to provide for free movement of fish—maintenance of hatchery—penalty.—

1. It shall be the duty of any person owning, operating or using any dam existing or which may hereafter be constructed across any river, stream or creek in this state, to erect or cause to be erected and maintained in connection therewith a durable and efficient fishway or such other device as the commission may deem necessary to enable fish to have free passage up and down said waters at all times. Such fishway or device shall be of a kind, and shall be placed, operated and maintained in a manner, approved by the commission.
2. Whenever in the opinion of the commission the height or character of the dam or the

condition of the river or stream makes the installation of such ladders or devices thereon impractical or unnecessary it is authorized to require the establishment and maintenance of a fish hatchery by such person, for the purpose of stocking the waters above and below such dam, the plans, adequacy and methods of operation of such hatchery to be subject to the approval of the commission. The commission may at any time take fish from said hatchery for distribution to the public waters of the state and such hatchery shall be operated under the supervision of the commission.

3. Any person who shall violate any of the provisions of this section or who shall refuse to establish and maintain such hatchery in lieu of establishing a fishway, when required to do so by the commission, shall be deemed guilty of a misdemeanor and fined not less than one hundred dollars, nor more than three hundred dollars for each such violation.
 4. In respect to corporations, the duties and liabilities imposed by this section shall devolve and be imposed upon the president, secretary or manager in this state or any general or local agent thereof.
- 252.160. Fraudulently securing license, penalty.—Any person who shall obtain or cause to be issued any certificate, license, or privilege from this state or any political subdivision thereof, or from

any licensing or certifying organization authorized to certify or license by the laws of this state, by any deceit, shall, upon conviction, be deemed guilty of a misdemeanor.

252.170. Soliciting illegal shipments—penalty.—It shall be unlawful for any person to solicit by correspondence, printed cards, circulars, shipping tags, advertisement or otherwise, any illegal shipments, consignments or delivery of wildlife, contrary to the laws and rules and regulations of this state, or in any manner to aid or abet a conspiracy to violate this law or any of such laws, rules and regulation. Any person violating this section shall upon conviction thereof be deemed guilty of a misdemeanor and shall be fined not less than ten dollars nor more than one hundred dollars.

252.180. Consignee to notify commission—penalty.—Any person to whom is consigned any wildlife, the taking, transportation, sale or possession of which is at any time or at all times prohibited or not permitted by such laws, rules and regulations, shall upon receipt of same immediately notify the commission or any of its authorized agents, and safely keep such wildlife in his possession or under control subject to the order of the commission. Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five dollars, nor more than fifty dollars.

252.190. Possession of wildlife a misdemeanor—when.—Any person who shall have in his possession

sion or under his control any wildlife, except in the manner, to the extent and at the time or times permitted by the provisions of this chapter and the rules and regulations of the commission, shall be deemed guilty of a misdemeanor; and any agent of the commission, and any sheriff or marshal or deputy thereof is hereby permitted and authorized to take and confiscate any such wildlife from any person so possessing or controlling the same.

252.200. Obstructing free passage of fish—penalty.—It shall be unlawful for any person to place or cause to be placed or erected any seine, screen, net, weir, fish dam or other obstruction in or across any of the waters, rivers, creeks, ponds, streams, sloughs or other watercourse within the jurisdiction of this state in such a manner as will obstruct the free passage of fish up and down and through such water or watercourses. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and be fined upon conviction not less than ten dollars nor more than one hundred dollars and costs of prosecution.

252.210. Contamination of streams—penalty.—It shall be unlawful for any person to cause any deleterious substance to be placed, run or drained into any of the waters of this state in quantities sufficient to injure, stupefy or kill fish which may inhabit the same at or below the point where any substance was thrown, run or drained into such waters; provided that it shall not be a violation of this section for any person engaged in industry, to

cause or permit any water subject to his control or used in any branch of such industry to be so discharged under such precautionary measures as have been specifically approved by the commission. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

252.220. Explosives prohibited—penalty.—

1. It shall be unlawful for any person to place any explosive substance or preparation in any waters of this state, whereby any fish which may inhabit said waters may be killed, injured or destroyed; and no person, by any such means, shall kill, catch or take any fish from said waters; provided, however, that explosive substances or preparations may be used in said waters, but only with the permission and under the supervision of the commission.

2. Any person violating any of the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be fined not less than two hundred dollars, nor more than one thousand dollars, or by imprisonment in the state penitentiary for not more than two years, or by both such fine and imprisonment, for each such offense.

252.230. Penalty not otherwise provided.—Any person violating any of the provisions of this chapter wherein other specific punishment is not provided, and any person violating any of such rules and regulations relating to wildlife, shall be guilty

of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding three months or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Act 58. (H.B. No. 790). Endangered Species.

1. The importation, transportation, or sale of any endangered species of fish or wildlife, unless taken within this state, or hides or other parts thereof, or the sale or possession with intent to sell any article made in whole or in part from the skin, hide or other parts of any endangered species of fish or wildlife is prohibited. For the purposes of this section, endangered species shall mean those species of fish and wildlife designated by the Department of Conservation, by rule filed with the secretary of state, as seriously threatened with extinction.

Such rule shall take effect sixty days after it has been filed with the secretary of state.

2. Any person violating the provisions of this act is guilty of a misdemeanor.

3. The effective date of this act shall be January 1, 1973.

4. Any publicly owned and operated zoo shall be exempt from the provisions of this act.

Approved April 27, 1972.

Effective January 1, 1973.

254.250. Powers of agents of commission.—Each

agent of the commission authorized to do so by the commission shall have power:

1. To employ such other person or persons as may be suitable and needed to render assistance in preventing the spread of, or in suppressing forest, brush or grass fires; provided, however, that nothing in this chapter shall be construed to relieve the owner or one in control of lands upon which fires may be started or burning, from the duty of preventing the spread of or of the duty of suppressing such fires so far as may lie within his power, and no such owner or person in control nor anyone with a present vested interest therein shall receive compensation from the state or any agency thereof for helping or assisting in preventing the spread of or in suppressing fires upon said lands; and no person who is responsible for starting fire shall receive compensation for helping prevent the spread of or for suppression of such fire.

2. To enter upon any lands at any time for the purpose of carrying out the provisions of this chapter and any such rules and regulations; and no action for trespass or damages shall lie against any such person or any person working under his direction, providing that in entering upon property he and they shall exercise due care to avoid doing unnecessary damage.

3. To exercise the foregoing powers and duties

in any part of the state.

254.260. Enforcement of provisions, by whom—duties.—

1. It shall be the duty of every authorized agent of the commission to assist in the enforcement of this chapter and any such rules and regulations of the commission; and it shall be the duty of all sheriffs, marshals, constables and their deputies and of all other police officers and of all prosecuting attorneys and their assistants, within their respective counties, to aid diligently in the enforcement of the provisions of this chapter and all such rules and regulations.

2. Any such officer and any such agent may arrest without warrant any person caught by him or in his view violating or who he has good reason to believe is violating or has violated this chapter or any such rules and regulations, and take such person forthwith before a magistrate or any court having jurisdiction, who shall proceed without delay to hear, try and determine the matter as in other criminal cases.

254.280. Penalty for failure to perform duties.—Any officer, agent or employee who shall fail to perform his duties under the provisions of this chapter or any such rule or regulation, or who shall render a false or fraudulent statement of services performed or alleged to have been performed, or shall fail to deliver checks or money due those who have ren-

dered services hereunder after such checks shall have been delivered to him, shall be guilty of a misdemeanor.

254.290. Penalty for obstructing enforcement.—Any person who shall obstruct or prevent or attempt to obstruct or prevent any officer, agent, employee or deputized person under this chapter or any such rules and regulations, while in the performance of his duties, or in the exercise of the right of entry, access or examination by any such officer or agent, shall upon conviction thereof, be deemed guilty of a misdemeanor.

254.300. Violation of chapter a misdemeanor.—Any person who violates any of the provisions of this chapter or any of such rules and regulations shall be guilty of a misdemeanor.

560.457. Public property, interfering with normal use.—Any person who enters in or on any public building or public land and interferes with or threatens the health or safety of any occupant or occupants of said property, or damages said property, or interferes with the normal use or function of said property or any part thereof, or interferes with the closing of said property, and refuses to quit said property upon the request of the person or persons lawfully in charge thereof, is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law.

560.570. Hunting without consent of landowner.—Every person who shall be found hunting with gun or dog upon the enclosed, improved or

cultivated lands of another or shall enter the same to catch or kill wildlife of any kind, without the consent of the owner or person in charge of such lands, shall on complaint of such owner or person in charge of such lands and upon conviction thereof be deemed guilty of a misdemeanor and shall be fined not less than five dollars nor more than twenty-five dollars.

560.575. Trapping without consent of landowner.—It shall be unlawful for any person to go upon the enclosed premises of another for the purpose of molesting the den or dens of any fur or hairbearing animal by any human device or to set any trap, snare, net, deadfall or other device without first having the permission of the owner or person in charge of such premises so to do. Any person violating any of the provisions of this section shall on complaint of such owner or person in charge of such premises and upon conviction thereof be deemed guilty of a misdemeanor and shall be fined not less than five dollars nor more than twenty-five dollars.

560.580. Maliciously firing forest lands a misdemeanor.—Any person who shall willfully or maliciously, in person or by agent directly or indirectly set fire to or cause to be set on fire any woodlot, forest or wildland or property or material or vegetation, being or growing upon the lands of another, shall be deemed guilty of a misdemeanor.

560.585. Forest fire caused by negligence.—Any person who carelessly sets on fire in any manner

causes to be set on fire any forest land, brush land, grain stubble or grass or other combustible material, being or growing on lands not his own or not in his possession or control, or who knowingly and negligently permits a fire to burn uncontrolled on his own land or on land in his possession or control and allows the fire to spread to the property of another, is guilty of a misdemeanor.

564.480. Littering.—

1. No person shall throw or place, or cause to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature, or description on the right-of-way of any public road or state highway or on or in any of the waters in this state or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof or on any land or water owned, operated or leased by the federal government or on any private real property owned by another without his consent, nor shall he abandon any motor vehicle in or on such places or waters.
2. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not less than twenty-five dollars nor more than five hundred dollars or by confinement in the county jail for a term not to exceed

one year or by both such fine and confinement.

3. Any peace officer of this state and its subdivisions shall and any agent of the conservation commission or deputy or employee of the boat commission may enforce the provisions of this section and arrest violators thereof; except that conservation agents and deputy boat commissioners may enforce these provisions only upon the water, the banks thereof or upon public land.

ATTACHMENT C.11.B
EXCERPT FROM CONFERENCE COMMITTEE
SUBSTITUTE FOR HOUSE BILL 1004 MAKING APPROPRIATIONS
TO THE
DEPARTMENT OF CONSERVATION (p.68)

Section 4.600. To the Department of Conservation
2 (FTE 685 Employees)
3 For Personal Service, Equipment Purchase and Re-
4 pair, and Operation, including refunds for
5 overpayments, or duplicate payments of per-
6 mits, nursery stock, publications, or other ma-
7 terials
8 From the Conservation Commission Fund \$12,732,823
9 Personal Service 639,513
10 Equipment Purchase and Repair 153,285
11 Operation 295,407
12 _____
13 From General Revenue 1,088,205
14 Total \$13,821,028

ATTACHMENT C.11.C

THE STATE FORESTRY LAW

(Originally Passed as House Bill
No. 1006, 63rd General Assembly in 1946)

Section

- 254.040 Commission to classify forest croplands -
applicant may appeal - limitations.
- 254.050 Certification of forest croplands, where filed.
- 254.060 Transfer of ownership.
- 254.070 Grants to counties in lieu of taxes - state
owned forest croplands.
- 254.075 State owned lands - yield tax - penalties for
cancellation.
- 254.080 Partial tax relief, period of duration.
- 254.085 State owned forest croplands, period of duration.
- 254.090 Taxation of forest croplands, how assessed.

254.040. Commission to classify forest croplands -- applicant may appeal -- limitations. 1. Any person desiring to have lands designated as forest croplands shall submit an application therefor to the state forester on form or forms to be provided by the commission. The state forester will make or cause to be made an examination of the lands covered by said application and shall forward a copy of same, together with his recommendations, to the commission. If the commission approve and classify lands as forest croplands they shall be subject to the provisions of this chapter and such rules and regulations.

2. If the commission refuse so to accept and classify said lands, the applicant may appeal from the decision of the commission to the circuit court in which such lands, or major part thereof, are located and the decision of the circuit court in all such matters shall be final.

3. No application shall be accepted for a tract of land containing less than forty acres; and no such land shall be classified for tax relief if the value thereof shall exceed one hundred twenty-five dollars per acre.

254.050. Certification of forest croplands, where filed. For all such lands which have been accepted and classified by the commission as forest croplands, a certificate shall be issued in quadruplicate by the commission; and the original thereof shall be filed in the commission office, one copy in the office of the director of revenue, one copy with the county clerk of the county and one copy with the applicant. The lands described in such certificate shall be entitled to the partial tax relief provided for in this chapter.

254.060. Transfer of ownership. The transfer of the ownership of any such forest croplands shall not affect any classification thereof as such.

254.070. Grants to counties in lieu of taxes--state-owned forest croplands. 1. The commission may classify as forest croplands any part of lands conveyed to the state for use of the commission. The state shall pay to the county wherein the state-owned and classified lands are situated a certain sum appropriated by law from general revenue funds as a grant in lieu of taxes thereon, which sum shall be thirty-five cents per acre per year.

2. The grants in lieu of taxes so received by the respective counties shall be placed in the general revenue fund of each such county.

3. The commission shall annually certify to the comptroller and the state auditor the acreage of such lands and the amount payable to each county under the provisions hereof and the treasurer is authorized to pay, and, after appropriations are made as herein provided, such amounts shall be paid to such counties on or before the first day of January following the certification. This section shall not be retroactive.

254.075. State-owned lands--yield tax--penalties for cancellation. State-owned lands, used by the commission and classified as forest cropland will not be subject to any ad valorem tax, or to any yield tax on timber cut on such lands, nor subject to any penalties if removed from the forest cropland classification.

254.080. Partial tax relief, period of duration. Any privately owned lands approved and classified by the commission as forest croplands as defined in this chapter shall receive partial relief from taxation, as provided in said chapter, during a period of time not to exceed twenty-five years.

254.085. State-owned forest croplands, period of duration. Any lands owned by the state of Missouri, used by the commission, and classified as forest cropland as defined in this chapter may retain such classification for an indefinite period, so long as said lands continue to be used by the commission.

254.090. Taxation of forest croplands, how assessed. Privately owned lands classified as forest croplands under this chapter shall be assessed for general taxation purposes at three dollars per acre, and taxed at the local rates of the county wherein the lands are located. Lands so classified prior to the effective date of this chapter shall be assessed for general taxation purposes at one dollar per acre and taxed at the local rate of the county wherein the lands are located.

ATTACHMENT C.11.D
CONSERVATION COMMISSION
STATE OF MISSOURI
CONTRACT TO OPERATE A CONCESSION AT

This contract, made and entered into as of the _____ day of _____, 19____,
by and between the State of Missouri (acting herein through the Missouri Conservation Commission),
party of the first part, hereinafter referred to as the Commission and _____,
party of the second part, hereinafter referred to as the Concessionaire.

WITNESSETH: That whereas the State of Missouri is the owner of _____
located in Sections _____
in _____ County, Missouri, which area is used as a
public fishing area; and whereas, it is anticipated that citizens of Missouri and elsewhere will visit
said area for recreational purposes and it is deemed advisable for the State to grant concessions on said
area to provide for the needs of the visiting public;

The Commission hereby grants and sells to the Concessionaire the right to operate a concession
at _____ for a period beginning
_____ and ending _____.

Such operation shall consist of the rental of boat cushions and Commission-owned boats for
fishing only and the sale of worms and bait minnows _____
Said Concessionaire may rent outboard motors, and
fishing tackle, and he may sell other live bait, fishing tackle, non-alcoholic beverages, tobacco,
outboard motor gasoline and oil and _____.

The Concessionaire shall furnish to the Commission a surety bond in the principal sum of \$2000.00,
conditioned on the faithful performance of this contract. Active and personal operation of the concession
is required of the Concessionaire.

In consideration of the contract the Concessionaire _____

_____.

The Concessionaire will be permitted to keep all other income arising from the concession operation.

_____.

It is understood and agreed that the Concessionaire is to pay for all labor, _____
used in operation of said concession, but that the
Commission will provide water for minnow tanks in the concession building _____.

_____. The Commission
will not expend any monies whatsoever in the cost of operating said concession, or for the maintenance,
or purchase of anything other than buildings and boat dock provided with said concession _____.
Equipment belonging to the Commission and described as
State Owned Inventory in Exhibit A attached hereto and made a part of this Contract, is assigned to the

Concessionaire, for the duration of this Contract. The Concessionaire will maintain same at all times in good working condition. The Concessionaire further agrees to furnish all necessary equipment for proper operation of said concession, that shall not have been furnished by the Commission; the Commission to approve adequacy and fitness of all such equipment. Except for bait minnow tanks _____ provided by the Commission, the Concessionaire shall properly equip the concession building designated by the Commission for the operation of the concession. The Concessionaire agrees to keep the entire state owned _____ acre recreation area including the Lake in a clean and satisfactory condition at all times by the proper collection of waste, garbage and debris. The Concessionaire further agrees to dispose of such waste in a manner approved by the Commission. _____

The Concessionaire agrees to maintain all boats in a clean and orderly condition at all times and to keep all boats adequately fastened or beached when not in use.

Complete accounts of receipts and expenditures shall be kept by the Concessionaire with books to be open for inspection and audit by the Commission or agent thereof. On the first day of each calendar month an itemized statement covering all receipts for the previous month shall be prepared by the Concessionaire on forms supplied by the Commission and these, together with a remittance computed according to the terms of this agreement, shall be delivered to the Commission. The Concessionaire hereby pledges all equipment and other property at any time owned by the Concessionaire, and situated on said premises to full payment of all sums to be paid by the Concessionaire under the terms of this instrument.

The Concessionaire agrees to operate said concession during the life of this contract except when written permission to do otherwise is granted by the Commission, and agrees to rent only Commission-owned boats, to keep worms and bait minnows for sale to the public between the hours of _____

and to provide such services as the Commission may determine necessary for the protection of the Area or to accommodate the visiting public. It is agreed that the rental for boats shall be _____

The Commission shall approve the prices to be charged by Concessionaire for the sale of worms and minnows. Prices of all articles for sale or rent will be conspicuously displayed.

No part of this agreement shall be construed as a surrender by the Concessionaire or acceptance by the Commission of responsibility for any and all legal requirements which may exist for the operation of a concession or for the sale of any products or commodities permitted by this agreement.

It is understood that the Commission may conduct and apply whatever fish and wildlife management practices it deems necessary in the interest of its service to the public.

On or before _____, and as often thereafter as the Commission may deem advisable, an inventory shall be made by the Commission covering all property belonging to the Commission and used in connection with the concession.

The Concessionaire agrees to replace any and all such property as may be lost, broken, stolen or destroyed in any manner whatsoever promptly after such loss, breakage, theft or destruction, with property of equal value to be approved by the Commission. The Commission will bear one half the cost of replacing any stolen boats. At the end of this contract, the Concessionaire shall return to the Commission all property delivered to him under this instrument or replaced by him for such property lost, broken, stolen or destroyed. Said property shall be in as good condition as when received by the Concessionaire, reasonable wear and tear excepted. Provided, however, in event of injury or destruction of property belonging to the Commission by any act of God to such an extent as to prevent any further use then the Concessionaire shall not be obligated to repair or replace such property. Provided further, that in case of any destruction of any property at said area, belonging to the Commission, by flood, fire, windstorm or any act of God, the Commission shall not be liable to Concessionaire if said damage is not repaired or property replaced by the Commission.

No property or equipment located on the premises at said area shall be relocated without written permission of the Commission.

The Concessionaire further agrees that he will not place or permit anyone to place on the premises at said area any vending machines, facilities or services not herein provided for, to be used by him or by the public, without first obtaining written permission of the Commission.

It is further agreed that any signs, literature, advertising or stationery that the Concessionaire desires to use in connection with said concession shall not be used until it shall have been approved in writing by the Commission.

The Concessionaire shall not assign, transfer, convey, sublet or otherwise dispose of this contract or of any right under this contract without the previous consent in writing of the Commission.

In case the Concessionaire shall die before the end of said term of this contract, the Commission may reassign this permit.

During the tenure of this contract, the Concessionaire shall use said property only for the herein designated purposes. He shall at all times maintain the property in good condition and shall avoid practices detrimental to the value of said property for forestry and wildlife use, and shall not commit or harbor any unlawful acts, activities, or nuisances upon said property. He shall cut no timber, conduct no mining operations, remove no sand, gravel, or kindred substances from the ground, commit no waste of any kind, place no structure on said area nor in any manner substantially change the contour or condition of the property under this agreement without written permission from the Commission. The Concessionaire shall at all times protect the premises affected by this permit against damage or destruction by fire and other causes, and comply with all Regulations for the Area.

The Commission may revoke this contract at any time when the Commission is of the opinion that the Concessionaire fails to comply with any term or condition in this instrument, fails to render

proper and courteous service, or fails to operate any part of said concession in the manner designated herein; but, as long as the Commission is of the opinion that the Concessionaire complies with the terms and conditions of this contract, renders proper and courteous service, and operates said concession properly, the Commission shall not, during the period ending at the conclusion of _____ issue to any other person a contract to operate any concession on said area as covered by this contract.

The Concessionaire further agrees to quit and surrender the premises to the Commission upon the expiration or revocation of this contract in as good condition as when received by him, reasonable wear and tear excepted.

In the administration of the activities as limited and described by this contract, it is further understood by both parties hereto that the Director of the Conservation Commission will exercise specific authority over the Concessionaire. It is distinctly understood and agreed by and between both parties that the Concessionaire shall not, under any circumstances, have or permit gambling or the use of gambling devices on or about the properties herein described; and under no circumstances shall he permit the sale of intoxicating liquor of any kind or character in or about any of the properties herein described. The Concessionaire obligates himself to discourage disorderly or boisterous conduct or immoral practices of any kind in or about said area. The Concessionaire under this contract agrees to comply with the Rules of the Wildlife Code of Missouri and special area regulations and orders issued to him by the Commission. Failure of the Concessionaire to comply with such rules, regulations and orders shall be construed by the Commission as cause for forfeiture of this contract.

In the event the Concessionaire fails to vacate the above premises at the expiration or revocation of this contract, the Concessionaire agrees that he shall pay as liquidated damages to the Commission twenty-five dollars (\$25.00) per day for each and every day that he continues to occupy said premises, the Commission to have a lien on all property belonging to said Concessionaire for the security of the payment of said sum as hereinabove stated. However, said liquidated damages for said excessive period shall not constitute a waiver of right of possession of the Commission of the above premises at the expiration of this contract which is the close of _____, or at the time or revocation, in accordance with this instrument, of the contract hereby granted.

Executed in triplicate the day and year first above written.

State of Missouri
CONSERVATION COMMISSION
Jefferson City, Missouri

By CARL R. NOREN, DIRECTOR

The undersigned Concessionaire hereby accepts and agrees to the terms and conditions of the contract herein above set forth.

Concessionaire

Date

Post Office Address

C.11.32

C.12 PROFILE OF
MINNESOTA DEPARTMENT OF
NATURAL RESOURCES

A. STATUTORY AUTHORITY AND RESPONSIBILITIES

The Minnesota Department of Natural Resources is a cabinet level, executive department established by Chapter 84 of the Minnesota Statutes. It is headed by a Commissioner who is appointed for a four year term by the Governor with the advice and consent of the Senate. Chapter 84 sets forth the basic authorities and responsibilities of the Department of Natural Resources for the purpose of:

- Review of land appraisals;
- Installation of recreational areas on public land;
- Enjoining interference with waterflow from beyond state boundaries;
- Stipulation of low water mark;
- Property leasing and renting;
- Issuance of licenses, permits;
- Maintenance of recreation areas;
- Conservation of wild rice;
- Granting of easement to the United States;
- Designation of wilderness areas;
- Topographic survey;
- Disposition of receipts from sale of snowmobiles.

The powers, duties, and responsibilities of the Department of Natural Resources relating to boat safety, firearm safety, wild rice harvest, and other programs now vested in the Department of Natural Resources are under the control and supervision of the Commissioner of Natural Resources.

B. ADMINISTRATIVE ORGANIZATION

The Minnesota Department of Natural Resources was re-organized, effective 1 January 1974, under the powers granted to the Commissioner of Natural Resources in the Minnesota Statutes, Annotated, (MSA) Chapter. 84. The new organization follows the concept of line and staff functions and decentralizes operations by dividing the State into management regions. An organization chart is shown in Figure C.12.1. It will be noted that only five regions are designated in the chart. A sixth region, the Metropolitan Region, including Minneapolis and St. Paul and the metropolitan areas has since been established. A generalized organizational chart of the Management Region is shown in Figure C.12.2. It closely mirrors the functional support staff organization at the Central Office level.

The Regional Administrator is the responsible individual for the successful operation of the natural resource activities in his region. He directs, coordinates, and budgets for the programs and activities in his region and is directly accountable to the Commissioner. Each Administrator has a Manager for the functional programs of enforcement; fish; forestry; recreation; waters; and wildlife as previously shown in Figure C.12.2.


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graph TD
    CO[COMMISSIONER'S OFFICE] --- AC[ADVISORY COUNCIL]
    CO --- LB[LAND BOARD]
    CO --- LW[LAND & WATER CONSERVATION COMMISSION]
    CO --- LEG[LEGAL]
    CO --- L[LAND]
    CO --- IED[INFORMATION & EDUCATION]
    CO --- P[PLANNING & RESEARCH]
    CO --- AS[ADMINISTRATIVE SERVICES]

    P --- EP[ENVIRONMENTAL PLANNING & PROTECTION]
    P --- F[WILDLIFE]
    P --- FISH[FISH]
    P --- F[FORESTRY]
    P --- PNR[PARKS & RECREATION]
    P --- WBS[WATERS, SOILS & WILDLIFE]

    AS --- ENGINEERING[ENGINEERING]
    AS --- FIELDS[FIELD SERVICES]
    AS --- FISC[FISCAL]
    AS --- LIC[LICENSE]
    AS --- MIS[MISCELLANEOUS INFORMATION SYSTEMS]
    AS --- OFF[OFFICE SERVICES]
    AS --- PER[PERSONNEL]

    P --- BM[BUSINESS MANAGEMENT]
    P --- ENG[ENGINEERING]
    P --- FSS[FIELD SERVICE]
    P --- IED2[INFORMATION & EDUCATION]

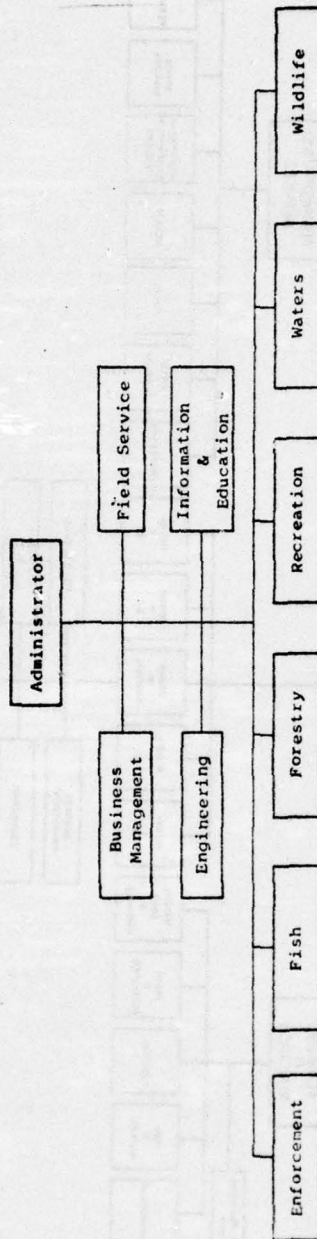
    BM --- FMC[FISH MANAGEMENT]
    BM --- F[FORESTRY]
    BM --- PNR2[PARKS & RECREATION]
    BM --- WBS2[WATERS, SOILS & WILDLIFE]
    BM --- W[WILDLIFE]

    ENG --- FMC2[FISH MANAGEMENT]
    ENG --- F2[FORESTRY]
    ENG --- PNR22[PARKS & RECREATION]
    ENG --- WBS22[WATERS, SOILS & WILDLIFE]
    ENG --- W2[WILDLIFE]

    FSS --- FMC3[FISH MANAGEMENT]
    FSS --- F3[FORESTRY]
    FSS --- PNR23[PARKS & RECREATION]
    FSS --- WBS23[WATERS, SOILS & WILDLIFE]
    FSS --- W3[WILDLIFE]

    IED2 --- FMC4[FISH MANAGEMENT]
    IED2 --- F4[FORESTRY]
    IED2 --- PNR24[PARKS & RECREATION]
    IED2 --- WBS24[WATERS, SOILS & WILDLIFE]
    IED2 --- W4[WILDLIFE]
  
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Figure C.12.2 Organization of the Regional Office



The responsibility for all management resides with the Commissioner who is located in the Central Office in St. Paul. Certain staff functions are performed by Committees, Boards and Commissions who provide direct public input to the Commissioner's office on affairs on the Department and administer particular statutory responsibilities.

Other Central Office staff functions are organized into two branches: the Administrative Services Branch; and the Planning and Research Branch. The Administrative Services Branch performs the support functions of engineering, field services, fiscal, licensing, management information systems, office services, and personnel.

The Planning and Research Branch is responsible for formulating comprehensive and program plans, both long and short range, for the purpose of developing and maintaining programs required for wise management and protection of Minnesota's natural resources. It has an Environmental Planning and Protection Bureau which is responsible for comprehensive planning and for the administration and coordination of federal grant-in-aid programs. The remainder of the Branch is organized into five divisions, one for each of the Department's major functional programs as follows:

1. The Forestry Division is responsible for planning, developing, monitoring and evaluating sound forest management policies, priorities, and programs for public and private forests. It consists of a Forest Management Section, a Forest Resources and Products Section, and a Forest Environment Section.

2. The Parks and Recreation Division is responsible for planning, developing, monitoring, and evaluating policies and programs to preserve unique natural and historic areas and to provide public enjoyment of state parks and recreational areas. It is divided into a Parks Section, a Recreation Areas Section, and a Trails Section.

3. The Water, Soils and Minerals Division is responsible for planning, developing, monitoring, and evaluating policies, priorities and programs for the management of waters, soils and minerals. It is divided into two Sections: 1) the Waters Section which is concerned with the preservation and use of surface and underground water resources and the environmental protection of flood plains and shorelands; and, 2) the Minerals Section which is concerned with programs for exploring, mining, and refining mineral resources on State lands.

4. The Enforcement Division is responsible for planning, developing, monitoring and evaluating policies, priorities, and programs for the enforcement of laws and regulations relating to natural resources, for youth firearm safety and snowmobile training, and for access to public waters. This is accomplished through a Law Enforcement Section, a Public Access Section, and a Safety Training Section.

5. The Fish and Wildlife Division is responsible for planning, developing, monitoring, and evaluating policies, priorities and programs for managing fish and wildlife and for preserving and improving its habitat. It consists of a Wildlife Section, a Fish Section, and an Environment Section.

The latter Section conducts special censuses, surveys and investigations to provide data on fish and wildlife populations, their habitats and utilization; conducts and coordinates the aquatic nuisance control program; and provides biological and chemical laboratory services.

C. BUDGETING, SOURCES OF FUNDS AND UNIT COSTS

The Minnesota Department of Natural Resources budget comes from three sources - general revenue sources, dedicated sources, and special taxes. Approximately 50-60% of the total Department of Natural Resources budget is derived from general revenue sources -- including monies spent for land acquisition and development. The approximately 40% from dedicated sources is the hunting and fishing license revenue which is restricted to fish and game activities. A special two cents per pack tax on cigarettes generates eight million dollars (\$8,000,000) annually. It goes to a Natural Resources Acceleration fund which may be used to supplement both operating and capital programs. This fund is specially appropriated in the budget bill and may be administered by other departments. Approximately 50% of it has been administered by the Department of Natural Resources in prior budgets and the majority of that 50% was for acquisition purposes.

The budget, by major program, and sources of funds is shown in Figure C.12.3 which is a summary of expenditures from fiscal year 1971 into the current (FY1975) fiscal year. It should be noted that this was the first effort to structure the Department of Natural Resources into a program budget and several caveats were given concerning the accuracy of the retrofitted dollars into appropriate programs.

Figure C.12.3 Biennial Program Budget - Agency Summary by Program

AC-4.472

AGENCY Department of Natural Resources

PROGRAM TITLE	ACTUAL		ESTIMATED		AGENCY REQUEST		GOVERNOR'S RECOMMENDATION		LEGISLATIVE APPROPRIATION		
	F.Y. 71	F.Y. 72	%	F.Y. 73	%	F.Y. 74	%	F.Y. 74	%	F.Y. 74	F.Y. 75
From SF 32417 CONF. RPT.											
Protection and Dev. of Land, Water & Wildlife	10,287,927	12,092,791	17.5	12,952,748	19.5	17,343,190	33.9	16,279,056	(6.1)	16,705,493	11,312,289 11,408,190
Public Use of Recreational Res.	3,561,463	3,874,659	8.8	4,331,080	11.8	6,085,251	40.5	6,140,349	0.9	5,839,979	5,838,129 4,172,125 4,165,580
Ecot. Distribution & Utilization of Public & Private Resources	1,708,736	1,999,353	17.0	2,106,089	5.3	2,702,191	28.3	2,657,499	(1.7)	3,347,447	2,637,992 1,966,515 1,943,255
General Support	3,750,697	4,563,153	21.7	4,893,167	7.2	6,083,107	24.3	5,837,880	(4.0)	6,505,019	5,214,783 4,488,641 4,464,466
TOTAL	19,308,823	22,529,956	16.7	24,283,084	7.8	32,213,739	32.7	30,914,784	(4.0)	32,397,938	25,507,609 21,981,431
SOURCE OF FUNDS											
	ACTUAL	ACTUAL	%	ESTIMATED	%	F.Y. 73	%	F.Y. 74	%	F.Y. 74	F.Y. 75
10 State General	9,136,025	11,798,354	29.1	12,598,110	6.8	15,448,724	22.6	15,036,092	(2.7)	10,947,831	10,919,048
10 Reg. General Match Fund	802,580	959,489	20.0	923,719	(3.7)	973,995	5.4	1,083,898	11.3	838,036	838,037
40 Federal	645,923	766,614	18.7	968,870	26.4	1,560,785	61.1	1,529,713	(2.0)	931,299	904,149
20 Restricted	8,341,015	8,644,671	3.6	9,378,294	8.5	13,757,870	43.7	12,817,165	(6.8)	13,828,737	12,255,865
Natural Res Fund	363,280	360,828	(5.9)	414,091	14.8	472,365	14.1	447,916	(5.2)	5,852,035	3,580,550
TOTAL	19,308,823	22,529,956	16.7	24,283,084	7.8	32,213,739	32.7	30,914,784	(4.0)	32,397,938	28,507,649

From S.F. 2417
CONF. RPT.

The Governor's budget department reviews the requests for funds of the Department of Natural Resources along with all other departmental requests and may make adjustments before sending the request to the legislature. The Departmental and gubernatorial requests were reduced by approximately 30% in the last biennial budget adopted.

Although unit costs have not been fully developed and extended, each program has been subdivided into activities and each activity is supported by a description of current operations, a statement about performance indicators (impact measures-output measures), and a statement of new manpower requirements, if applicable. A listing of the activity titles by program is provided in Table C.12.1. An illustration of the technique used for each activity is provided in Table C.12.2 which covers "State Areas for Overnight Use."

D. PAYMENTS IN LIEU OF TAXES

Section 272-68 of Chapter 272 of Minnesota Statutes, Annotated, is the basic law on payment of taxes and assessments on property acquired by the state. It requires that all local taxes due at time of acquisition be paid. In addition, it requires that if the state permits the property to be occupied, it will charge a reasonable rental and pay 30% of the rental received to the local subdivision.

There are, however, other special conditions for payments in lieu of taxes. Park legislative enactments contain special provisions for an appropriation in lieu of property taxes that essentially calls for eight year phase-out of local property taxes starting with a payment of 90% of the previously required payment in the first year and declining

TABLE C.12.1

PROGRAM & ACTIVITY TITLES

PROTECTION AND DEVELOPMENT OF LAND, WATER AND WILDLIFE PROGRAM

Wildlife Regulations and Enforcement
Preservation of Natural Environment Areas
Confiscation and Disposal of Contraband and Road Kills
Control of Environmental Effects of Mining
Wildfire Prevention and Suppression
Insect and Disease Control
Flood Plain Management
Predator Control
Aquatic Nuisance Control
Shoreland Management
Environmental Protection
Watershed Management
Soil and Water Conservation Commission
Ground Water Management
Regional Water Resources Management
Lake and Stream Management
Water Resources Permit Administration
Wildlife Habitat Management
Fish Habitat
Fish Population Management
Wildlife Population Management
Fish and Wildlife Research and Investigation
Biological and Chemical Laboratory Services
State Land Use Classification
State Land Sales
State Land Exchange
State Land Records
Reforestation
Multiple Use Forest Roads
State Land Acquisition

PUBLIC USE OF RECREATIONAL RESOURCES

State use Areas Overnight
State Areas "Day Use"
State Recreational Roads and Trails
Hunting, Fishing and Trapping Licensing
Recreation Permits
Season Control
Recreational Vehicle Regulations
Water Surface Use Control
Safety Training
Recreational Advice and Aid to Local, County and Private Owners

ECONOMIC DISTRIBUTION AND UTILIZATION OF PUBLIC AND PRIVATE RESOURCES

State Timber Sales
Utilization and Marketing of State and Private Timber
Evaluation of Mineral Resource Potential
Land Lease Administration
Mineral Lease Administration
Determination of Mineral Ownership

TABLE C.12.1 (Cont'd)

Commerical Fish and Wildlife Superivison
Wild Rice Management
Public and Private Forest Management
Natural Resource Inventory

GENERAL SUPPORT

Internal Management
Financial Management
Office Services
Procurement - Inventory Control
Management Systems and Data Processing
Information and Education
Equipment Maintenance
Equipment Acquisition - Parks
Building Maintenance
Central License Records
Long Range Planning
Engineering
Personnel and Training
Assistance to Law Enforcement Agencies
Community Relations
Aircraft Transportation
Legal

Table C.12.2 Biennial Program Budget - Activity Detail
Description of Current Operations

Activity: State Areas for Overnight Use

Division of Parks and Recreation

Camping facilities are presently provided in 53 state parks. These facilities are in three basic groups: (1) family campgrounds, (2) group camping areas, and (3) organized group camps.

The family campgrounds are either modern or primitive. Modern campgrounds are provided with pressure water systems and sanitation buildings, usually with showers. Primitive campgrounds are provided with a well with hand pump for water supply and pit toilets for sanitation. In all family campgrounds, there are defined sites with gravel spur for car parking, a fire ring and 5' camp table, and space for sleeping shelter. Basic camping fee is \$2.00 per night.

Group camping areas are primarily for scout groups or other groups whose camping activities are more suited to the use of an area without the exclusion of the usual family campsite. These areas generally have primitive water and sanitation facilities and are usually separated some distance from the family campgrounds.

Organized group camps are provided in six parks. St. Croix State Park has three camps. Each of the camps has a dining hall with kitchen, barracks for sleeping and sanitation buildings. Swimming facilities are available in the park in all cases. Capacity of the camps varies, with 135 as the highest. First priority of occupancy is given to underprivileged youth groups.

Rental cabins and rooms for tourist accommodation are available in Itasca State Park in connection with the dining room facilities at Douglas Lodge. Built in 1905, Douglas Lodge has been a landmark in Itasca, offering dining room service directly operated by the state since 1945. Before that time, Douglas Lodge was operated under a private lease. The operation is seasonal, usually opening in advance of Memorial Day and closing in October. The buildings are not winterized.

Division of Lands and Forestry

The Division of Lands and Forestry provides family, group, and pack-in campgrounds that because they are within a forest afford visitors unlimited possibilities to observe wildlife, examine trees, shrubs and other types of vegetation, and view geological formations in addition to the facilities provided.

Campgrounds are constructed with minimum development necessary to sustain orderliness and cleanliness. The Division strives to provide campers seclusion from their neighbors and from man-made noises and objects as well.

Family campgrounds are accessible by vehicle. A typical family campsite has a back-up spur, picnic table, fire ring, tented, and available to all campers are pit toilets, firewood, a hand pump and firewood. Pack-in campgrounds are accessible only by foot, canoe, or horse and may be just a clearing or have a table, fire ring, toilet and hand pump. Group campgrounds are for such organizations as Scouts, 4-H, etc., and are attached to family campgrounds.

Table C.12.2 (Cont'd)

BIENNIAL PROGRAM BUDGET - ACTIVITY DETAIL
CLIENTELE NEEDS
CHARACTERISTICS, NUMBER, LOCATION, BENEFITS, FUTURE

Activity: State Areas for Overnight Use

The clientele served by the provisions of this activity in state parks totaled 225,975 in 1971 of which 26 percent were non-residents. 60 percent of the campers did not stay over two days. In recent years the basic tent for camping has been largely replaced by more expensive equipment such as tent trailers, pickup campers, and motor homes. Backpacking into remote campsites with minimum facilities has become very popular in recent years and is largely confined to couples in the under 30 age group. Primitive group camping areas are most generally used by boy and girl scout troops, student organizations and church groups. The organized group camps having permanent facilities are reserved on a priority basis with preference given to underprivileged youth groups. Other youth or adult organizations may use the facilities if available.

Campers using the Division of Lands and Forestry's campgrounds are outdoor recreationists desiring a satisfying camping experience in a natural environment. Most campers reside within two to three hours travel and accept the policy of first come - first served.

Table C.12.2 (Cont'd)

BIENNIAL PROGRAM BUDGET - ACTIVITY DETAIL
NEW MANPOWER REQUIREMENTS

Activity: State Areas for Overnight Use

The present level of maintenance does not adequately provide protection for campers from disturbance or vandalism during the night hours. Night patrol service is recommended to be provided in 16 state park campgrounds in F.Y. '74 and in 18 state park campgrounds in F.Y. '75 where camper use is expected to exceed 20,000 camper days. This would still not provide complete night coverage, but would provide 40 hours of night coverage per week in those areas. 20,000 camper days would represent 90 per cent average occupancy in a 50 site campground over a 100 day period. Night patrol service would provide protection to campers and would make it possible to detect and control most cases of night disturbance before they become larger in scope and more difficult to control. The cost for this additional service is estimated at \$30,000 for F.Y. '74 and \$34,000 for F.Y. '75.

No permanent positions are requested for this night patrol. The employees would be seasonal and it would not be intended that they be fully trained police officers. Their duties would include inside maintenance of service buildings along with grounds patrol. Should problems of any consequence arise, the park manager would immediately be advised and the problem turned over to him for his attention.

at the rate of 10% per year until zero percent is reached in the ninth year.

E. ADMINISTRATION OF FEES AND CHARGES

Fees and charges are established by order of the Commissioner, Department of Natural Resources. These fees may be based upon any reasonable criteria and may vary from park to park. Generally, however, the fees are established for basic types of services and are uniform throughout the system.

The current fee schedule is included as Attachment C.12.B.

F. AUTHORITY TO ACQUIRE LAND FOR RECREATION PURPOSES

Although general authority to carry out recreational projects and acquire interests in land is included in the basic laws, specific authority, including metes and bounds descriptions for land for specific parks is included in the legislation creating the park. The power of eminent domain is not granted. If the land cannot be acquired as set forth, then another legislative enactment will be required authorizing condemnation of specific properties. It is reported that this seldom occurs.

G. AUTHORITY PROCEDURES FOR LEASING LAND AND/OR FACILITIES TO PRIVATE INDIVIDUALS

There are several authorities used for leasing land and/or facilities under the control of the Department of Natural Resources. A listing of the Minnesota Statutes is included as Attachment C.12.C. (Because of reorganization, some sections of the statutes may refer to the Department of Conservation or the Commissioner of Conservation).

The broadest authority is contained in MSA 84,027, Subdivision 2. It describes the general authority

of the Department but does not provide for lease terms or any other lease provisions. Since other sections of the statutes are more specific, very little leasing is done under this broad authority.

Another authority is MSA 84.153 which is limited to lands and buildings not presently needed to meet the Department objectives. Leases made under this authority must be made in "furtherance of the interests of conservation" and must cause no permanent injury to the land. Leases are for a two year term and are cancellable on three months notice. This is the basic authority used for Cooperative Farming Agreements. A copy of the Cooperative Farming Agreement form is included as Attachment C.12.D. The specific terms and conditions are negotiated by line staff in the Regions subject to approval by the Department.

A special authority for utility crossings of State-owned lands is contained in MSA 84.415. The Department is in the process of holding public hearings on proposed rules and regulations to implement this authority.

A special type of lease is provided for in MSA 89.17 covering land located in State Forests. This provision is used very little as the same purpose can be accomplished under the general lease law (MSA 92.50).

Under the "Lakeshore Leasing Law" (MSA 92.46), the Department may subdivide public lands into convenient size lots and lease them for cottage and camp purposes for not more than 10 years at a time. Since the general leasing law is broad enough to cover this purpose as well, no new leases are being written under MSA 92.46.

The general lease law is MSA 92.50 which provides for renewable ten year term leases, cancellable on three months written notice, under such other terms and conditions as the Department may prescribe. This authority includes authority to lease for the purpose of taking and removing sand, gravel, clay, rock, marl, peat, and black dirt. Certain types of ore and mining waste material storage leases may be for periods not exceeding 25 years.

The Department does not have a standard concessions policy and has, in fact, only negotiated one concession agreement (St. Croix State Park). This agreement permitted a concessionaire to take over the souvenir shop operations at a flat rate per season payment to the State of \$850.00. It provided for modification to the rate if 3% of the receipts was less than \$550.00.

ATTACHMENT C.12.A

CHAPTER 84, MINNESOTA STATUTES, ANNOTATED

DEPARTMENT OF NATURAL RESOURCES

DEPARTMENT OF NATURAL RESOURCES 84.01

Conservation

CHAPTER 84

DEPARTMENT OF NATURAL RESOURCES

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84.01 DEPARTMENT OF NATURAL RESOURCES; COMMISSIONER APPOINTMENT. Subdivision 1. The name of the department of conservation is changed to the department of natural resources. The name of the commissioner of conservation is changed to the commissioner of natural resources. Subject to the provisions of Laws 1969, Chapter 1129, and other applicable laws, the department of natural resources with its commissioner and other officers shall continue to exercise all the powers and duties vested in, or imposed upon its commissioner as existing and constituted immediately prior to the effective date of Laws 1969, Chapter 1129.

Subd. 2. The commissioner of natural resources is appointed by the governor, by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and qualifies. A vacancy in the office of the commissioner shall be filled for the unexpired portion of the term. The commissioner may appoint a deputy who shall serve at the pleasure of the commissioner in the unclassified service. The salary of such deputy is fixed by the commissioner except when otherwise expressly provided for by law. The deputy may perform and exercise every power, duty, and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner.

Subd. 3. Subject to the provisions of Laws 1969, Chapter 1129, and to other applicable laws the commissioner shall organize the department and employ two

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assistant commissioners, both of whom shall serve at the pleasure of the commissioner in the unclassified service, one of whom shall have responsibility for coordinating and directing the planning of every division within the agency, and such other officers, employees, and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees, and agents and to delegate to them any of his powers, duties, and responsibilities subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Subd. 4. Before entering upon the duties of his office the commissioner of natural resources shall take and subscribe an oath and give his bond to the state of Minnesota, to be approved by the governor and filed with the secretary of state, in the sum of \$50,000 conditioned for the faithful performance of his duties.

Subd. 5. The commissioner of natural resources may request from time to time, as he deems necessary, information and advice on technical natural resource matters from advisory committees or individuals having specialized knowledge or experience in such matters. These persons shall serve without compensation but shall be allowed and paid their actual traveling and other expenses necessarily incurred in providing such information and advice to the commissioner. The expenses allowed shall be paid in the same amount allowed state employees for similar expenses and shall be paid from any money appropriated to the commissioner for salaries, supplies, and expenses.

[1969 c 1129 art 3 s 1, 4; 1971 c 113 s 1]

NOTE: Laws 1969, Chapter 1129, Article 3, Section 7, provides as follows:

"Sec. 7. Subdivision 1. This article is in effect on the first Monday in January 1971, and the term of the person occupying the position of the commissioner of conservation on the day previous shall expire when the commissioner of natural resources is appointed by the governor and qualifies.

Subd. 2. Until such time as the commissioner of natural resources is able to make all changes in designation of the department of conservation to the department of natural resources, he may continue to use the department of conservation designation, but the use of such designation shall not extend beyond the first Monday in January 1976."

84.024 PURPOSE. The purpose of Laws 1967, Chapter 905 is to centralize the operating authority of the department of natural resources in a commissioner and his deputy in lieu of the commissioner and several operating divisional directors; to coordinate the management of the public domain; to eliminate duplication of effort and function; and, to best serve the public in the development of a long range program to conserve the natural resources of the state.

[1967 c 905 s 1; 1969 c 1129 art 10 s 2]

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84.027 POWERS AND DUTIES. Subdivision 1. **Powers.** The commissioner of natural resources shall be the administrative and executive head of the department. Subject to the provisions hereof and other applicable laws, he shall have the powers and duties herein prescribed. The enumeration of specific powers and duties herein shall not limit or exclude other powers or duties.

Subd. 2. **Duties.** The commissioner shall have charge and control of all the public lands, parks, timber, waters, minerals, and wild animals of the state and of the use, sale, leasing, or other disposition thereof, and of all records pertaining to the performance of his functions relating thereto.

Subd. 3. **Powers.** The commissioner shall have all the powers and duties prescribed for the commissioner of conservation by Laws 1931, Chapter 186, all the powers and duties therein prescribed for the conservation commission except the power to appoint a commissioner, and all other powers and duties now prescribed by law for the commissioner of conservation, the conservation commission, the department of conservation, its divisions, or the director of any division.

Subd. 4. **Powers.** The commissioner shall have all existing powers and duties now or heretofore vested in or imposed upon the state auditor in any capacity and not heretofore transferred to any other officer or agency with respect to the public lands, parks, timber, waters, and minerals of the state, and the records thereof; provided, that nothing herein shall divest the state auditor of any power or duty otherwise prescribed by law with respect to auditing, accounting, disbursement, or other disposition of funds pertaining to the matters herein specified, nor of any power or duty expressly vested in or imposed upon him by the following provisions of law:

(1) The provisions of Mason's Minnesota Statutes 1927, Section 76, so far as the same pertain to the crediting of payments on account of state lands, timber, or other products to the proper funds, or to the depositing and keeping of conveyances and abstracts of title; also all other provisions pertaining to the filing or keeping of deeds, grants, or conveyances to the state or abstracts or other evidence of title to state property;

(2) All provisions pertaining to escheated property;

(3) Mason's Minnesota Statutes 1927, Sections 2220, 6442 to 6449, 6646, 6660, and 8223.

Subd. 5. **Powers.** The commissioner shall have all the powers and duties prescribed for the state auditor by Mason's Supplement 1940, Sections 5620-1 to 5620-13, 6452-1 to 6452-13, and 4031-75 to 4031-88, with respect to the receipt, filing, keeping, and certification of reports, lists, and records of descriptions of lands, reserving to the state auditor all other powers and duties therein prescribed for him. The county auditor shall make and transmit to the state auditor all the certificates and reports therein required except certificates and reports of land descriptions, which shall be made and transmitted to the commissioner.

Subd. 6. **Powers.** The commissioner shall have all the powers and duties prescribed for the state auditor by Mason's Supplement 1940, Sections 5620-13½ to 5620-13¾, as amended, and 2139-27b to 2139-27k, as amended, with respect to the receipt, filing, and keeping of reports of sales of land and the execution of conveyances, reserving to the state auditor all other powers and duties therein prescribed for him. The county auditors shall make and transmit to the commissioner all the certificates and reports therein required to be made to the state auditor with respect to such sales and conveyances. The county treasurers shall make all reports of collections thereunder in duplicate and shall transmit a copy of each report to the state auditor and the commissioner.

Subd. 7. **Limitation of powers.** Except as otherwise expressly provided, nothing herein shall confer on the commissioner any authority over any property of the state devoted pursuant to law to any specific purpose under any officer or agency of the state other than the commissioner or the department of natural resources or its divisions.

Subd. 8. **Selection of lands for certain purposes.** The commissioner of natural resources may select from any available lands owned by the United States in this state such lands as he deems suitable in lieu of any deficiencies which may have occurred in grants of school lands or other lands heretofore made to the state under any act of congress, and may, with the approval of the executive council, accept on behalf of the state any grants or patents of lands so selected issued by the United States to the state.

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This subdivision shall not be deemed to amend, supersede, or repeal any existing law, but shall be supplementary thereto.

[1943 c 60 s 2; 1953 c 382 s 1; 1969 c 1129 art 10 s 2]

84.0271 REVIEW OF LAND APPRAISALS. Notwithstanding the provisions of any other law, the department of natural resources shall submit for review all appraisals to the commissioner of administration before entering into any options for the acquisition of land.

[1969 c 1129 art 10 s 2; 1969 c 1139 s 65]

84.028 COMMISSIONER OF NATURAL RESOURCES, SPECIFIC ASSIGNMENTS. Subdivision 1. The powers, duties and responsibilities of the department of natural resources relating to boat safety, firearm safety, wild rice harvest program, and such other programs as are now or hereafter vested by statute in the department of natural resources, shall be under the control and supervision of the commissioner of natural resources.

Subd. 2. The overall coordination of acquisition and development programs, comprehensive planning activities, including statewide recreational planning programs required by state or federal law, and not the responsibility of the state planning agency, are under the control and supervision of the commissioner.

Subd. 3. The operation of the game warden service in the division of game and fish as constituted before July 1, 1967 is under the direct control and supervision of the commissioner. The name of the personnel in such game warden service is changed to conservation officers. Conservation officers shall continue to have the powers and duties of game wardens as they existed before July 1, 1967 and may be assigned to public relations, conservation instructional activities, and the enforcement of laws relating to resources management which the commissioner shall direct. The commissioner shall create a separate division entitled the division of enforcement and field service, to be composed of conservation officers and shall appoint a director of the division to serve at his pleasure in the unclassified service of the state.

[1967 c 905 s 3; 1969 c 1129 art 3 s 5; 1969 c 1129 art 10 s 2]

84.029 RECREATIONAL AREAS ON PUBLIC LAND. Subdivision 1. Establishment, development, maintenance and operation. In addition to other lawful authority, the commissioner of natural resources may establish, develop, maintain, and operate recreational areas, including but not limited to campgrounds, day use areas, trails, and canoe routes, for the use and enjoyment of the public on any state owned or leased land under his jurisdiction. Each employee of the department of natural resources, while engaged in his employment in connection with such recreational areas, has and possesses the authority and power of a peace officer when so designated by the commissioner.

Subd. 2. Acquisition of land for trails. The commissioner may acquire, by gift, purchase, or lease, easements or other interests in land for trails, and recreational uses related to trails, where necessary to complete trails established primarily in state forests, state parks, or other public land under the jurisdiction of the commissioner.

[1969 c 190 s 1, 2; 1969 c 1129 art 10 s 2]

84.03 ADDITIONAL DUTIES AND POWERS. So far as practicable the commissioner shall collect and arrange statistics and other information in reference to the lands and general and special resources of the state.

He is hereby authorized and empowered to take such measures as he may deem advisable to advertise, both within and without the state, sales of all state lands, and to secure, compile, and issue such valuable statistics of the resources of the state.

He may adopt and promulgate reasonable rules and regulations, not inconsistent with law, governing the use and enjoyment of state land reserved from sale, state parks, state public camp grounds, public access sites, boat launching facilities, state recreation reserves, trails, state monument sites, scientific and natural areas, and recreational areas owned by other state, local and federal agencies and operated under agreement by the department of natural resources, which shall have the force and effect of law. A reasonable fee may be fixed, charged, and collected by the commissioner for the privilege of the use of any or all of the foregoing privileges and facilities.

The commissioner, biennially, shall report to the legislature his acts and doings, with recommendation for the improvement or conservation of state parks, state public camp grounds, public access sites, boat launching facilities, state recreation re-

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serves, trails, and state monument sites, and all other recreational lands under the jurisdiction of the department of natural resources, and for desirable accessions thereto, such report to include an inventory of the tracts and parcels of land, and rights, interests, and easements therein, held by the state or withdrawn from sale for any of these purposes, with the value thereof. He shall maintain a long range plan governing the use of the public domain under his jurisdiction.

[1905 c 201 s 1; 1907 c 267 s 5; 1923 c 430 s 8, 14; 1941 c 222 s 1; 1967 c 905 s 4; 1969 c 470 s 2; 1969 c 1129 art 10 s 2] (77, 4342, 6460, 6466)

84.031 ENJOINING INTERFERENCE WITH WATERFLOW FROM BEYOND STATE BOUNDARIES. Whenever any person, firm, association, or corporation, or any state or political subdivision, agency or commission thereof shall disturb, obstruct, or interfere with the natural flow or condition of public waters beyond the boundaries of the state in a manner so as to seriously affect the public welfare and interests of the state, the commissioner of natural resources may institute proceedings in behalf of the state in any court having jurisdiction to abate or enjoin the continuance thereof.

[1947 c 414 s 1; 1969 c 1129 art 10 s 2]

84.032 LOW-WATER MARK, STIPULATION. In any civil action involving the navigability of any body of water, river or stream, or the ownership of the bed thereof, wherein the state is a party thereto, the commissioner of natural resources, in behalf of the state, with the approval of the attorney general, may agree by written stipulation with any riparian owner and party to such action as to the location of the ordinary low-water mark upon the riparian lands of such party. Such stipulation when executed by all parties thereto shall be presented to the judge of the district court wherein the action is pending for approval and, if approved, the judge shall make and enter an order therein providing that the final judgment when entered shall, as to the parties to such stipulation, conform to the location of the ordinary, low-water mark as provided for in such stipulation.

[1951 c 539 s 1; 1969 c 1129 art 10 s 2]

84.033 SCIENTIFIC AND NATURAL AREAS. The commissioner of natural resources may acquire by gift, lease, easement, or purchase, in the manner prescribed under section 117.20, in the name of the state, lands or any interest in lands suitable and desirable for establishing and maintaining scientific and natural areas. The commissioner shall designate as such the scientific and natural area lands under his jurisdiction and may post any of these lands as a "scientific and natural area." He shall preserve, protect, and manage these lands for the public welfare in consultation with qualified persons, and shall make such improvements as are found necessary to these purposes. For the purposes of this section, "scientific and natural area" means an area of land or water having values inherent in the natural condition of the land or water. These values include, but are not limited to the following: (1) a living museum; (2) a site for scientific study; (3) an area for teaching natural history and conservation; and (4) a habitat for rare and endangered species of plants and animals. Land designated as a "scientific and natural area" shall not be altered in designation or use without holding a public hearing on the matter at a time and place designated in the notice of the hearing, which shall be published once in a legal newspaper in each county in which the lands are situated at least seven days in advance of the hearing. At the hearing the commissioner shall provide an opportunity for any person to be heard.

[1969 c 470 s 1; 1969 c 1129 art 10 s 2]

84.081 DEPARTMENT DIVISIONS AND BUREAUS. Subdivision 1. **Directors.** The department of natural resources shall be organized with the following divisions: a division of lands and forestry, a division of waters, soils and minerals, a division of game and fish, and a division of parks and recreation, and a division of enforcement and field service. Each division shall be under the immediate charge of a director, subject to the supervision and control of the commissioner. The directors shall be appointed by the commissioner, to serve at his pleasure, and shall be in the unclassified service of the state. They shall be chosen with regard to knowledge, training, experience, and ability in administering the work of their respective divisions.

Subd. 2. **Directors, bonds.** Each director shall give a bond to the state in the sum of \$5,000, except the director of lands and forestry and the director of game and fish, who shall each give a bond in the sum of \$15,000.

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Subd. 3. Directors may employ assistants. Each director, with the approval of the commissioner, may employ such assistants as may be necessary for the work of his division. Each director, with the approval of the commissioner, may designate one of his employees as deputy director, and may revoke such designation at any time, regardless of the civil service status of such employee and without affecting such status. Each deputy director may exercise all of the powers of the director, subject to his direction and control, including powers delegated by the commissioner unless otherwise prescribed by him.

[1943 c 60 s 3; 1943 c 601 s 1; 1947 c 587 s 17; 1949 c 356 s 1; 1949 c 739 s 7 subd 2; 1951 c 713 s 11; 1967 c 905 s 5; 1969 c 1129 art 3 s 6]

84.082 VACANCIES. In case of a vacancy in the office of commissioner or of any director, his deputy shall have all of the powers and perform all of the duties thereof until a successor, either as an acting or regular incumbent, has been appointed and has qualified; provided, no deputy commissioner serving as commissioner in the event of a vacancy shall have power to discharge a director or to revise or change the assignments of activities among the divisions of the department or to designate another deputy. While serving in such vacated office a deputy shall receive the same salary as the regular incumbent.

[1943 c. 60 s. 4]

84.083 ASSIGNMENT AND DELEGATION OF DUTIES. Subdivision 1. Each division shall have charge of administering the activities indicated by its title and such other duties and functions as may be assigned by the commissioner, subject to the right of the commissioner to revise and change assignments of any and all activities or of specific duties or functions among the several divisions at any time as he may see fit. The commissioner may, by written order filed in the office of the secretary of state, delegate to the directors or other employees designated by him, any of the powers or duties vested in or imposed upon the commissioner by this act or by any other law upon such conditions as he may prescribe and subject to modification or revocation at his pleasure. Such delegated powers and duties may be exercised or performed by the respective directors in their own names or in the name of the commissioner, as he may direct.

Subd. 2. The division of waters, soils and minerals shall have all the powers and duties now vested in or imposed upon the division of water resources and engineering, subject to all applicable provisions of law. Wherever the term "division of water resources and engineering" is used in any other law, it shall be deemed to refer to the division of waters, soils and minerals.

[1943 c 60 s 5; 1949 c 356 s 2; 1967 c 905 s 5, 6]

84.084 TRANSFER OF FUNDS. The commissioner may authorize the performance of services for any division by any other division or by the department staff, and, with the approval of the commissioner of administration, may require appropriate transfers of funds to compensate for the cost of such service.

[1943 c. 60 s. 6]

84.085 M.S. 1969 [Repealed, Ex1971 c 3 s 77 subd 3]

84.085 ACCEPTANCE OF GIFTS. The commissioner of natural resources may accept for and on behalf of the state any gift, bequest, devise, or grants of lands or interest in lands or personal property of any kind or of money tendered to the state for any purpose pertaining to the activities of the department or any of its divisions. Any money so received is hereby appropriated and dedicated for the purpose for which it is granted.

[Ex1971 c 3 s 77 subd 1]

84.086 SEALS, UNIFORMS AND BADGES. Subdivision 1. Shall have seals. The department of natural resources and the several divisions thereof shall have seals in the form and design heretofore adopted, bearing the words "State of Minnesota, Department of Natural Resources," also, in case of a division seal, the title of the division. The seals may be used to authenticate the official acts of the commissioner or the directors, respectively, but omission or absence of the seal shall not affect the validity or force of any such act.

Subd. 2. Commissioner may furnish badges and uniforms. (a) The commissioner may provide for the issuance at state expense of such badges and uniforms as he may deem necessary and suitable for officers or employees of the department and its divisions.

(b) Uniforms for conservation officers and their supervisors shall be equipped

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with distinctive emblems, and shall be distinctive from the uniforms of any division or section of the department of natural resources, the state highway patrol, or any other state department or agency.

[1943 c 60 s 8, 9; 1965 c 181 s 1; 1967 c 905 s 9; 1969 c 1129 art 10 s 2]

84.087 KEEPING RECORDS AND ORDERS. Except as otherwise prescribed or required by law, the originals of all official records, orders, and other documents made, executed, or issued by or under the authority of the commissioner of natural resources or the directors of the several divisions of the department shall be filed and kept in the respective offices where the same were made, executed, or issued, or in such other office in the department as the commissioner may direct.

[1943 c 60 s 10; 1969 c 1129 art 10 s 2]

84.088 TRANSFER OF FUNCTIONS AND APPROPRIATIONS. Subdivision 1. **Functions.** So far as any duties herein vested in or imposed upon the commissioner of natural resources are now exercised or performed by any other officer or agency of the state, such powers or duties are hereby transferred to the commissioner, subject to the provisions of Laws 1943, Chapter 60, and all existing and unexpended appropriations for the purposes of such powers or duties are hereby transferred therewith, to be available for the same purposes under the commissioner but otherwise subject to the same conditions and limitations as the original appropriations.

Subd. 2. **Appropriations.** Any unexpended appropriation made for the purposes of any activity or function which may be transferred by the commissioner at any time from one agency to another within the department shall be transferred therewith, to be available for the same purposes but otherwise subject to the same conditions and limitations as the original appropriation.

[1943 c 60 s 11; 1965 c 1129 art 10 s 2]

84.09 CONSERVATION OF WILD RICE. From time immemorial the wild rice crop of the waters of the State of Minnesota has been a vital factor to the sustenance and the continued existence of the Indian race in Minnesota. The great present market demand for this wild rice, the recent development of careless, wasteful, and despoiling methods of harvesting, together with water conditions of the past few years, have resulted in an emergency, requiring immediate stringent methods of control and regulation of the wild rice crop. The traditional methods of the Indian in such harvesting are not destructive. On the other hand, the despoliation of the rice fields as now progressing under commercial harvesting methods will result in imminent danger of starvation and misery to large bands of these Indians. They are in danger of becoming relief charges upon the state and the counties, many of which are overburdened with relief loads now. It is further true that many of the reservation lands which were ceded in trust to these Indians have never been sold and others are reverting because of non-payment by the purchasers. It is therefore declared the purpose of sections 84.09 to 84.15, and Laws 1939, Chapter 231, to meet this emergency and to discharge in part a moral obligation to these Indians of Minnesota by strictly regulating the wild rice harvesting upon all public waters of the state and by granting to these Indians the exclusive right to harvest the wild rice crop upon all public waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fond du Lac, and Mille Lacs reservations.

[1939 c 231 s 1] (6131-4)

84.10 WILD RICE HARVESTED IN CERTAIN LAKES. It shall be unlawful for any person to take wild rice grain from any of the waters within the original boundaries of the White Earth, Leech Lake, Nett Lake, Vermillion, Grand Portage, Fond du Lac and Mille Lacs Reservations except said persons be of Indian blood, or residents of the reservation upon which said wild rice grain is taken.

[1939 c 231 s 2; 1941 c 217 s 1; 1943 c 220 s 1; 1945 c 171 s 1; 1947 c 424 s 1] (6131-5)

84.11 [Repealed, 1947 c 424 s 6]

84.111 WATER CRAFT; METHODS OF HARVEST; HOURS OF HARVEST. Subdivision 1. It shall be unlawful to use, in harvesting wild rice in any public waters in this state, any water craft other than a boat, skiff, or canoe propelled by hand, which boat, skiff, or canoe may have a top width of not more than 36 inches and a length of not more than 18 feet, or any machine or mechanical

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cal device for gathering or harvesting the grain other than with flails not over 30 inches in length nor over one pound in weight, which flails must be held and operated by hand.

Subd. 2. It is unlawful to use any pole for propelling any water craft used in such harvesting which is not forked at the end, with each branch less than 12 inches in length.

Subd. 3. It is unlawful to use in such harvesting any machine or device for gathering the grain other than a flail not over 30 inches in length nor over one pound in weight, held and operated by hand.

Subd. 4. It is unlawful to harvest any wild rice in any public waters between three o'clock p.m. and nine o'clock a.m. following except as otherwise expressly permitted in writing by an authorized committeeman or other agent of the commissioner pursuant to regulations of the commissioner.

[1949 c 506 s 3, 4; 1959 c 634 s 1; 1963 c 174 s 1]

84.12, 84.13 [Repealed, 1947 c 424 s 6]

84.14 DIRECTOR OF WILD RICE HARVEST. Subdivision 1. The commissioner may appoint a director of the wild rice harvest, who shall be a man of proven experience in the actual cultivation and harvesting of wild rice, and such assistants as may be deemed necessary. The director shall serve at the will of the commissioner in this capacity and shall be appointed from the classified service of the state. He may be paid such salary as may be determined by the director of civil service and the commissioner of administration and for such periods during the year as may be designated by the commissioner, together with reasonable traveling expenses, from any sums available to the division of game and fish. The director shall have the duty of investigating the conditions affecting the crop of wild rice upon any waters that are proposed to be harvested.

Subd. 2. The director may, with the approval of the commissioner, appoint deputies or committeemen to assist him in any or all of his duties. The deputies or committeemen shall be in the unclassified service of the state and shall serve without compensation unless otherwise provided for by law. The director, deputies, and committeemen appointed for the purpose of regulating the harvesting of wild rice may be authorized by the commissioner to enforce the laws and regulations in relation thereto in the same manner as conservation officers are authorized so to do.

Subd. 3. The commissioner may by order establish rules and regulations for the harvesting of wild rice on all public waters or portions thereof. Such rules and regulations need not include the opening dates, days, and hours of the wild rice harvesting season.

The opening dates, days, and hours of harvest shall be established by the commissioner and published by posting at such places and in such manner as the commissioner shall by regulation prescribe, no less than 48 hours prior to the opening thereof.

After the season for the taking of wild rice has been designated, the commissioner may alter the season by changing the days and the hours of the day during which such harvest may be conducted on any or all public waters or portions thereof. Whenever the commissioner alters the season notice thereof shall be published by posting in the vicinity of the waters or rice beds affected by such alteration at such places and in such manner as the commissioner shall by regulation prescribe, no less than 12 hours prior to the time such alterations are to take effect.

Subd. 4. It shall be the duty of the commissioner upon recommendation and advice of the director of wild rice harvest to list the important bodies and beds of wild rice growing in the public waters of this state and to rotate the opening of such beds with the general view that each bed shall be closed to harvesting where the director of wild rice finds that there is need of such closing for the purpose of restocking and reseeding such bed. The commissioner may regulate the days and hours of the day when harvesting shall be permitted in any one or more or all waters or rice beds of the state to obtain optimum quality and quantity of harvested wild rice consistent with adequate reseeding of wild rice beds. It is unlawful to take or harvest wild rice from any waters or rice bed at any time other than during the season, days and hours prescribed and announced by the commissioner therefor.

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Subd. 5. The provisions of sections 84.09 to 84.15 shall not limit or supersede any authority otherwise conferred on the commissioner by law.

Subd. 6. Violation of any of the provisions of this section shall constitute a misdemeanor.

[1959 c 231 s 11; 1941 c 217 s 8; 1951 c 671 s 1; 1959 c 129 s 1, 2; 1959 c 684 s 2; 1963 c 709 s 1; 1965 c 355 s 1, 2, 3, 4; 1967 c 905 s 9] (6131-14)

84.15 COMMISSIONER MAY RESTRICT HARVEST. Subdivision 1. The commissioner may, in his discretion, restrict or prohibit the harvesting of wild rice grain on public waters of any designated area when, upon investigation of conditions, it shall be determined necessary or advisable to protect against undue depletion of the crop so as to retard reseedling or restocking of such area or so as to endanger its effective use as a natural food for waterfowl.

Subd. 2. The commissioner may harvest not to exceed 10,000 pounds of wild rice in any calendar year for the purposes of obtaining wild rice seed for experimental and research purposes and replanting in public waters of the state, including waters within the original boundaries of the Minnesota Indian Reservations.

[1959 c 231 s 12; 1949 c 628 s 1; 1957 c 85 s 1] (6131-15)

84.151 [Expired]

84.153 PROPERTY; LEASING, RENTING. The commissioner is hereby authorized at public or private vendue and at such prices and under such terms and conditions as he may prescribe, to lease any buildings or lands not now authorized to be leased, acquired in the name of the state of Minnesota by any of the several divisions of the department which are not presently needed for the uses and purposes of any of the divisions of the department. The purposes for which such leases may be executed shall be in the furtherance of the interests of conservation and such uses shall not result in any permanent injury to the land. No such lease shall be made for a term to exceed two years and shall contain a provision for cancellation at any time by the commissioner upon three months written notice. All money received from these leases shall be credited to the fund from which the property was acquired.

The commissioner is hereby authorized to rent or lease to employees of the various divisions of the department such cabins, buildings, or living quarters as are now or may hereafter be constructed upon state-owned lands under the control of the several divisions of the department, when this occupancy is found to be necessary or beneficial to the work of the department. These leases or rental agreements shall be upon a month to month basis and provide for surrender by the lessee upon demand at any time his services with the state may be terminated, without the necessity of any written notice. All receipts from rents shall be paid in to the state treasurer and credited to the fund charged with the cost of maintenance of such buildings and are hereby appropriated for such use.

All instruments and transactions so negotiated shall be approved as to form, validity, and execution by the attorney general.

Hunting of wild game is prohibited on any land which has been posted by the lessee to prohibit hunting. Such prohibition shall apply to all persons including the lessee.

[1941 c 291 s 1-3; 1965 c 382 s 1]

84.154 LAC QUI PARLE WATER CONTROL PROJECT. Subdivision 1. Conservation project. The commissioner is hereby authorized, with the approval of the executive council, and on such terms as may be deemed advantageous to the state, to sell and convey to the United States the fee title, free from any mineral reservation, of lands acquired by the state for the Lac qui Parle River water control project upon which dams and appurtenant structures have been or may be constructed and such rights of way as may be required by the United States to provide access thereto for the purposes of construction, maintenance and operation, and to grant, sell and convey either such fee title to, or flowage rights over, all lands acquired for the project on and above Lac qui Parle Lake which lie below the 935.7 foot elevation on project datum, and to grant, sell and convey flowage rights only over all lands so acquired on or above Marsh Lake which lie below the 939.5 foot elevation on project datum and over all of such lands on and above either of these lakes which lie above such elevations, and to lease to any appropriate agency of the United States for conservation purposes, subject to such flowage rights, any of such lands the ownership of which is retained by the state,

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or to enter into a cooperative agreement with any such agency for the development and management of any wild life or other conservation activity thereon; provided, that no such conveyance or agreement shall waive any claim of the state for reimbursement from the United States under the flood control act of June 23, 1938, and any amendments thereof. Each such lease for conservation purposes and each such cooperative agreement for the development and management of wild life or other conservation activity on such lands shall contain specific conditions reserving to the public during all open seasons for hunting wild waterfowl at least 40 per cent of the area of these lands suitable for hunting waterfowl as public shooting grounds.

Subd. 2. Commissioner may complete Lac qui Parle and Big Stone Lake projects. Inasmuch as the cessation of the work relief program of the Federal government and the entry of the United States into the present war prevented completion of certain contemplated features of the Lac qui Parle and Big Stone Lake water control projects heretofore undertaken by the executive council, in cooperation with Federal agencies, and it is desirable that such projects be completed in order to secure effective control and utilization of the waters affected for the purposes of prevention and control of floods, water conservation, improvement of conditions for game and fish, and other authorized public uses, the commissioner of natural resources is authorized to construct all works and improvements pertaining or incidental to said projects which he deems necessary for such purposes, and to maintain and operate the same so far as not transferred to the United States pursuant to law.

Subd. 3. Powers of commissioner. The commissioner of natural resources may use for any project herein authorized any land of the state under his jurisdiction or control so far as is not inconsistent with the laws governing the same, may acquire by purchase, gift, or condemnation any additional lands or interests in lands required for such projects, including lands or interests in adjacent states if authorized by the laws thereof, may accept gifts or grants of money or property from the United States or any other source for such projects, may use and apply any money or property so received in accordance with the terms of the gift or grant so far as is not inconsistent with the provisions of this act or other laws, may act in behalf of the state as sponsor for any such project undertaken or authorized by the United States, may make any sponsor's contributions required for any such project out of moneys appropriated by Laws 1943, Chapter 475, or otherwise made available therefor, and may cooperate with the United States or any adjacent state or any authorized agency of either in constructing, maintaining and operating any such project upon such terms and conditions as he may deem proper not inconsistent with the laws of this state.

Subd. 4. May sell or lease land. The commissioner of natural resources may, in behalf of the state, with the approval of the governor, sell or lease to the United States any part of the lands or interests in lands heretofore or hereafter acquired by the state for the purposes of such projects, with any structures or improvements thereon, upon such terms and conditions as he may deem proper, providing for the continued maintenance and operation of such projects for the purposes herein specified; provided that the provisions of this section shall not be deemed to repeal or supersede the provisions of Laws 1941, Chapters 142 and 518, with respect to lands or interests heretofore acquired, so far as applicable thereto; provided, that the governor shall not approve any such sale or lease without first consulting the legislative advisory committee and securing their recommendation, which shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation.

Subd. 5. Special funds created. (1) There is hereby created a special fund to be known as the Lac qui Parle and Big Stone Lake Water Control Projects Fund, in which shall be placed all moneys heretofore or hereafter received for any lands or other property acquired by the state for the Lac qui Parle water control project and heretofore or hereafter sold or leased to the United States pursuant to Laws 1941, Chapter 518, or otherwise, also all moneys heretofore or hereafter received from any source for the sale or lease under any other law of any lands or other property acquired by the state for either the Lac qui Parle or Big Stone Lake water control project, except as otherwise provided in clause (2).

(2) All moneys in excess of \$2,500 remaining June 30, 1943, and at the end of each fiscal year thereafter in the Lac qui Parle revolving fund designated by Laws

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1941, Chapter 142, shall be transferred to said projects fund. When all the property authorized to be sold under said chapter has been sold and the proceeds have been received the executive council shall notify the State Auditor thereof. Thereupon the balance remaining in said revolving fund shall be transferred to said projects fund and said revolving fund shall be abolished.

(3) All moneys in said projects fund are hereby appropriated to the commissioner of conservation for the purposes of Laws 1943, Chapter 476, to remain available therefor until expended hereunder or otherwise expressly disposed of by law; provided, that all expenditures hereunder shall be subject to the approval of the governor; provided, that the governor shall not approve any such expenditure without first consulting the legislative advisory committee and securing their recommendation, which shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation.

Subd. 6. Transfer to commissioner. (1) The supervision and control of the Lac qui Parle project lands, which is now vested in the executive council by Laws 1925, Chapter 426; Laws 1933, Chapter 355; Extra Session Laws 1933, Chapter 25; Laws 1935, Chapter 51; Extra Session Laws 1935, Chapter 101; Laws 1937, Chapters 209 and 459; Extra Session Laws 1937, Chapter 89; Laws 1941, Chapters 142 and 518; Laws 1943, Chapter 476; Laws 1945, Chapter 325; Laws 1947, Chapter 571; and Minnesota Statutes, Section 84.154, are hereby transferred to the commissioner of natural resources.

(2) These lands, which consist of 22,000 acres, more or less, located in the north and east edge of Lac qui Parle County and portions of the south and west edges of Chippewa, Swift and Big Stone Counties, shall be used and developed as a game refuge and public hunting grounds as the commissioner of natural resources may designate and shall include all state-owned lands acquired pursuant to the provisions of law above stated.

(3) The right of eminent domain will not be exercised in the case of the acquisition of additional lands to this game refuge and public hunting ground.

[1941 c 518 s 1; 1943 c 476 s 1; 1957 c 755 s 1-3; 1969 c 1129 art 10 s 2]

84.155 CONSERVATION PROJECTS; BELTRAMI ISLAND, PINE ISLAND. Subdivision 1. Certain leases between the State and the United States of America ratified and approved. Leases entered into between the United States of America and the State of Minnesota, through the commissioner of conservation, under date of August 2, 1940, demising to the State of Minnesota federal-owned lands in what are known as the Beltrami and Pine Island areas, located in the counties of Koochiching, Roseau, Lake of the Woods, and Beltrami, in the State of Minnesota, for a period of 50 years, are hereby in all things ratified and approved.

Subd. 2. Beltrami Island conservation project created. For the purpose of protecting, preserving, and managing wild life, forest and water resources, there is hereby established the Beltrami Island conservation project consisting of all lands within the descriptions hereinafter contained. All public lands, except tax forfeited lands, lying within these areas are hereby set aside and reserved from sale. These areas shall comprise the following lands and waters in Beltrami county, Minnesota:

All of Townships 155 and 156, North, in Ranges 31, 32, 33, 34 and 35 West of the Fifth Principal Meridian:

All of Townships 157 and 158, North, in Ranges 36 and 37 West of the Fifth Principal Meridian:

and the following described lands and waters in the Lake of the Woods county, Minnesota:

All of Township 157, North, Range 32 West of the Fifth Principal Meridian:

All of Townships 157, 158 and 159, North, in Range 33 West of the Fifth Principal Meridian:

All of Townships 157, 158, 159 and 160, North, in Range 34 West of the Fifth Principal Meridian:

All of Townships 157, 158, 159 and 160, North, in Range 35 West of the Fifth Principal Meridian:

All of Townships 159 and 160, North, in Range 36 West of the Fifth Principal Meridian:

and the following described lands and waters in Roseau county, Minnesota:

The South one-half of Township 161, North, in Range 35 West of the Fifth Principal Meridian:

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The South one-half of Township 161, North, in Range 36 West of the Fifth Principal Meridian:

All of Townships 159 and 160 and the South two-thirds of Township 161, North, in Range 37 West of the Fifth Principal Meridian, and

The East two-thirds of Township 160, North, in Range 38 West of the Fifth Principal Meridian.

Subd. 3. Pine Island conservation project created. For the purpose of protecting, preserving and managing wild life, forest and water resources, there is hereby established the Pine Island conservation project consisting of all lands within the descriptions hereinafter contained. All public lands, except tax forfeited lands, lying within these areas are hereby set aside and reserved from sale. These areas shall comprise the following lands and waters in Koochiching county, Minnesota:

All of Townships 64 and 65, North, in Range 24 and 25 West of the Fourth Principal Meridian:

All of Townships 64, 65, 66 and 67, North, in Range 26 West of the Fourth Principal Meridian:

All of the lands in Townships 64, 65, 66 and 67, North, in Range 27 West of the Fourth Principal Meridian:

All of Township 152; the South one-half of Township 153; all of Townships 155 and 156; the West two-thirds of Township 157 and that portion of Township 158, North, situated South of the center line of Black River, all in Range 25 West of the Fifth Principal Meridian:

All of Township 152, North; the South one-half of Township 153; the North one-half of Township 155; all of Townships 156 and 157 and that portion of Township 158, North, situated South of the center line of Black River, all in Range 26 West of the Fifth Principal Meridian:

All of Townships 153 and 154; the North one-half of Township 155; all of Townships 156 and 157, and that portion of Township 158, North, situated South of the center line of Black River and East of that branch of the Black River which flows North through Sections 33 and 23, in Range 27 West of the Fifth Principal Meridian:

All of Townships 153, 154, 155, 156, 157 and 158 and the West one-third of Township 159, North, in Range 28 West of the Fifth Principal Meridian; and All of Townships 153, 154, 155, 156, 157, 158 and 159, North, in Range 29 West of the Fifth Principal Meridian.

Subd. 4. Lands to be under management of commissioner. All public lands except tax forfeited lands, owned by the State of Minnesota, as well as lands owned by the United States and leased by the State of Minnesota within the Beltrami and Pine Island projects shall be under the management and control of the commissioner, who shall have authority to negotiate for and enter into on behalf of the State of Minnesota, leases for hay stumpage and timber stumpage at such fees and prices as he may determine reasonable and just.

Subd. 5. Commissioner to make rules. Within the boundaries of the Beltrami Island and Pine Island areas, the commissioner is hereby given full power and authority to make, establish, promulgate, and enforce all necessary rules and regulations for the care, preservation, protection, breeding, propagation, and disposition of any and all species of wild life therein and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, trapping, camping and other uses within the areas not inconsistent with the terms of this section. The commissioner shall have the power and authority to declare the terms and conditions of such licenses and permits and the charges to be made therefor. He may issue regulations specifying and controlling the terms under and by which any wild animals may be taken, captured, or killed therein or under and by which fur bearing animals having commercial value may be sold and transported. He may regulate and effect the sale of merchantable timber from such lands as are owned or leased by the state; provided, his authority as to the leased lands shall not exceed that provided in the leases.

Subd. 6. Two funds created; disposition of receipts. There shall be created two funds, one to be known as the Beltrami Island conservation fund and the other as the Pine Island conservation fund. All income and revenue received by virtue of all hay and stumpage leases, timber sales, sales of special licenses and permits, as hereinabove provided, from each of the areas described in this section, shall be

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paid in to the state treasury and credited to that fund bearing the name of the project from which the income was derived. These sums are hereby appropriated for the purpose of administering said areas in accordance with the terms of this section and the terms of the leases herein referred to as having been approved and ratified and for making repairs and replacements on the properties leased as provided by the leases. Any portion of income or revenue not needed for the above purposes may be used, subject to the mutual agreement between the State of Minnesota and the United States provided for in the leases, covering the acquisition by the State of Minnesota of additional lands to block in, round out and enlarge its holdings. Nothing herein contained shall alter, modify, or change the method of handling revenue or income provided for in Laws 1929, Chapter 258, from lands now in the public domain under the provisions of that act and nothing herein contained shall alter, modify, or change the method of handling revenue or income provided for in Laws 1929, Chapter 258, from lands now in the public domain under the provisions of this section.

[1941 c 215 s 2-6]

NOTE: The areas embraced within the Beltrami Island conservation project created by the foregoing section constitute almost all of the areas in the Red Lake game preserve, created by section 84A.01 and supersede the provisions of the Red Lake game preserve, wherever inconsistent therewith.

84.156 INTEREST IN CERTAIN LANDS TRANSFERRED TO UNITED STATES. Subdivision 1. Grant of easement to United States. There is hereby granted to the United States an easement and right to flow and overflow by water the right-of-way of any and all town, county and state roads or highways lying within the Lac qui Parle Water Control Project in Chippewa, Lac qui Parle, Big Stone, and Swift counties, below the 915.0 foot elevation on project datum, and no claims for damage shall be maintainable against the United States by the state or any of its governmental subdivisions for any damage or injury to such roadways or highways, below such 915.0 foot elevation, because of the operation of any of the dams in said project or the maintenance of any water levels thereby.

Subd. 2. Commissioner to acquire certain titles. The commissioner of natural resources of the state of Minnesota is hereby authorized to acquire by gift, purchase or condemnation, the underlying fee title to the right-of-way of any township or county roads or highways lying within such water control project and not now in public ownership, or the right to flow and overflow the same. The commissioner is further authorized to convey such fee title or flowage easements to the United States, together with any fee titles or easements heretofore obtained by or on behalf of the state, the counties or townships involved, to the right-of-way of any such roads or highways, when such conveyances are required to carry out the purposes of Laws 1943, Chapter 476, and Laws 1941, Chapter 518.

Subd. 3. Grant effective upon acceptance. The grant contained in subdivision 1 herein shall become effective upon the acceptance of title or easements by the United States to lands adjacent to each such road or highway.

Subd. 4. Certain laws continued in effect. Nothing herein shall be deemed to repeal or supersede Laws 1943, Chapter 476, or Laws 1941, Chapter 518, but the same and the whole thereof shall be continued in effect.

[1945 c 325 s 1-4; 1969 c 1129 art 10 s 2]

84.157 EXCHANGE OF CERTAIN STATE LANDS. Notwithstanding any provision of section 94.343, subdivision 2, or any other existing law to the contrary, Class A state lands located within the Red Lake Game Preserve, the conservation areas created under sections 84A.20 and 84A.31, the Beltrami Island Conservation Project, the Beltrami Island State Forest, the Pine Island Conservation Project, the Pine Island State Forest, and all state forests or parts thereof in the area within the proclaimed boundaries of the Superior National Forest and the Chippewa National Forest wherein consent of the state to acquisition of land by the United States has heretofore been given by or pursuant to law may be exchanged for other lands within or without said areas upon compliance with all other provisions of law relating to the exchange of such lands, even though such exchanges may reduce land holdings of the state within the respective areas above specified.

[1945 c. 341 s. 1]

84.158 GRANT OF FLOWAGE EASEMENTS. The commissioner of natural resources is hereby authorized in behalf of the state and with the approval of the governor to grant flowage easements upon state-owned lands, or tax-forfeited lands,

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in the region of upper Red Lake upon such terms and conditions as he may deem expedient.

[1947 c 148 s 1; 1969 c 1129 art 10 s 2]

84.161 COMMISSIONER MAY ACQUIRE LAND FOR CERTAIN PURPOSES. The commissioner of natural resources is hereby authorized to acquire on behalf of the department of natural resources, state of Minnesota, all dam site and flowage easements and other interests in land by gift, purchase, condemnation or otherwise which may be necessary to accomplish the purposes of this section and to construct all dams, structures and control works needed to regulate and control the water levels of Goose and Mud Lakes, Cass County, Minnesota, which authority to condemn shall include the condemnation of state-owned land whether held in trust or otherwise and whether or not the same be set aside as lake shore property or other special use under other provisions of law and the commissioner may further use any land of the state under his jurisdiction for this project; all for the purpose of improving habitat for fish, wild fowl and game, wild rice and for forestry and fire protection.

[1957 c 69 s 1; 1969 c 1129 art 10 s 2]

84.162 ADDITIONAL POWERS OF COMMISSIONER. The commissioner of natural resources is hereby authorized to enter into contracts and agreements with the United States and any authorized agency thereof for the use by the state of any flowage rights and other interests in land held by the United States needed for the flowage of land for this project and the commissioner of natural resources may acquire such property in fee and may further contract and cooperate with the United States for the operation and control of the levels of said water and the construction and maintenance of any of the structures needed therefor upon such terms and conditions as he may deem necessary and proper not otherwise inconsistent with law.

[1957 c 69 s 2; 1969 c 1129 art 10 s 2]

84.163 BATTLE POINT; IMPROVEMENT AND MAINTENANCE. The commissioner of natural resources is hereby granted power to enter into agreements with the county of Todd or Douglas or with any municipality of said counties to permit such counties or municipalities to improve and maintain for the benefit of the public for the purposes of fishing, hunting, picnicking, camping, playing of athletic games, access to the lake, and general recreational purposes, the following described lands located in Todd county: Commencing at the westerly corner of a triangular tract of land in section 5, township 128, range 35, designated as tract "A" of Michael's Subdivision of a portion of government lot 1, section 4, township 128, range 35, according to the recorded plat thereof, thence southwesterly, westerly and northwesterly, curving to the right along the shore of Lake Osakis, to the tip of Battle Point; thence southeasterly along the shore of Lake Osakis, to a point where the shore line intersects the north-south section line between sections 4 and 5 of township 128, range 35; thence north along said section line, between said sections 4 and 5 of township 128, range 35; to the southerly corner of the hereinbefore mentioned tract "A" of said Michael's Subdivision; thence northwesterly to the point of beginning known as Battle Point.

[1963 c 58 s 1; 1969 c 1129 art 10 s 2]

84.164 [Repealed, 1971 c 859 s 14]

NOTE: For description of Casey Jones Trail, see section 85.015, subdivision 2.

84.361 TAXES CANCELED IN CERTAIN CASES. After forfeiture to the state of any parcel of land lying within the Red Lake game preserve, as provided by Laws 1935, Chapter 278, the county auditor shall cancel all taxes and tax liens appearing upon the records, both delinquent and current, and all special assessments, delinquent or otherwise.

[1941 c. 278 s. 7]

84.362 STRUCTURES MAY BE REMOVED. Until after the sale of any parcel of tax-forfeited land, whether classified as agricultural or non-agricultural hereunder, the county auditor may, with the approval of the commissioner, provide for the sale or demolition of any structure located thereon, which has been determined by the county board to be within the purview of section 299F.10, and for the sale of salvage material, if any, therefrom.

[1941 c. 278 s. 8]

84.363 MAY SELL DEAD AND DOWN TIMBER. The county auditor may

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with the approval of the county board sell dead, down and mature timber upon any tract of agricultural land designated by the commissioner of natural resources. Such sale of timber products shall be for cash at not less than the appraised value thereof, as determined by the commissioner, to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at such public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof. The forestry practices to be followed in the cutting of this timber shall be approved by the commissioner.

(1941 c 278 s 9; 1969 c 1139 art 10 s 2)

84.37 [Repealed, 1963 c 5 s 12]

84.38 [Repealed, 1963 c 5 s 12]

84.39 [Repealed, 1963 c 5 s 12]

NOTE: Laws 1963, Chapter 5, Section 12 reads: "This repeal does not affect any right in specific property heretofore acquired under section 84.39."

84.40 [Repealed, 1963 c 5 s 12]

84.41 [Repealed, 1963 c 5 s 12]

84.415 LICENSES, PERMITS. Subdivision 1. Utility companies, permit to cross state-owned lands. The commissioner of natural resources may, at public or private sale and for such price and upon such terms as he may prescribe (except where prohibited by law) grant licenses permitting passage over, under, or across any part of any school, university, internal improvement, swamp, tax forfeited or other land or public water under the control of the commissioner of natural resources, of telephone, telegraph, and electric power lines, cables or conduits, underground or otherwise, or mains or pipe lines for gas, liquids, or solids in suspension. Any such license shall be cancelable upon reasonable notice by the commissioner for substantial violation of its terms, or if at any time its continuance will conflict with a public use of the land or water over or upon which it is granted, or for any other cause. All such land or public water shall remain subject to sale or lease or other legal use, but in case of sale, lease or other use there may be excepted from the grant or other disposition of land or public water all rights included in any license over, under, or across it, and the license may contain an agreement that there will be such exception. The commissioner may charge a fee in lieu of but not less than that authorized by subdivision 5 if he issues a license containing an agreement that there will be such an exception. All rights so excepted shall be reserved to the state and be cancelable by the commissioner for the same reasons or cause as they might have been canceled before such sale, lease or other use of the land or water. Upon such cancellation, which shall be only after reasonable notice to the licensee, all rights granted by the license shall be vested in the state and may be granted again by the commissioner on the terms and conditions he may prescribe, but subject to cancellation for the same reasons or causes as they might have been originally canceled unless ownership of the fee and of the license are merged. Any license granted before April 13, 1951, may be governed by it if the licensee and commissioner so agree. Reasonable notice as used in this subdivision means a 90 day written notice addressed to the record owner of the license at the last known address, and upon cancellation the commissioner may grant extensions of time to vacate the premises affected.

Subd. 2. [Repealed, 1967 c 536 s 3]

Subd. 3. **Application, form.** The application for license or permit shall be in quadruplicate, and shall include with each copy a legal description of the lands or waters affected, a metes and bounds description of the required right of way, a map showing said features, and a detailed design of any structures necessary, or in lieu thereof shall be in such other form, and include such other descriptions, maps or designs, as the commissioner in his discretion may require. The commissioner may at any time order such changes or modifications respecting construction or maintenance of structures or other conditions of the license or permit as he deems necessary to protect the public health and safety.

Subd. 4. **Attorney general, duties.** The license or permit to be granted shall be in a form to be prescribed by the attorney general; shall describe the location of the license or permit thereby granted and shall continue until canceled by the commissioner, subject to change or modification as herein provided.

Subd. 5. **Fee.** Such licenses or permits shall provide for a fee of not more than \$4 per mile or proportionately for each fraction of a mile, but not less than \$1 annually. In the event the construction of such lines causes damage to timber

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or other property of the state on or along the same, the license or permit shall also provide for payment to the state treasurer of the amount thereof as may be determined by the commissioner.

All money received under such licenses or permits shall be credited to the fund to which other income or proceeds of sale from such land would be credited, if provision therefor be made by law, otherwise to the general fund.

[1941 c 145; 1943 c 540 s 1; 1947 c 568 s 1; 1951 c 355 s 1, 2; 1967 c 536 s 2; 1969 c 399 s 1; 1969 c 516 s 1; 1969 c 1129 art 10 s 2]

84.42 VIOLATIONS; PENALTIES. Subdivision 1. Any person violating any of the provisions of sections 84.09 to 84.15, or any of the orders of the commissioner promulgated in pursuance of the provisions thereof, shall be guilty of a misdemeanor; and, upon a second conviction within a period of three years, his license shall become null and void and no license of the same kind shall be issued to him for one year after the date of such conviction; and any person violating, or threatening to violate, any provisions of sections 84.09 to 84.15 and Laws 1939, Chapter 231, may be restrained by injunction proceedings brought in the name of the state by the attorney general or by any county attorney.

Subd. 2. [Repealed, 1965 c 45 s 73]

[1939 c 207 s 6; 1939 c 231 s 16; 1969 c 129 s 1] (\$100-6, 6131-19)

84.43 DEFINITIONS. Subdivision 1. The definitions given in this section shall govern for the purposes of sections 84.43 to 84.52 unless a different meaning is clearly indicated by the language or context.

Subd. 2. "Wilderness Area" shall mean any of the following areas or parts thereof:

(1) All those portions of the Superior National Forest described in Section 2 of Public Law 733, 80th Congress, approved June 22, 1948, and all public waters included therein or bordering thereon except the following: Crane Lake, Moose Lake in Township 64 North, Range 9 West, Snow Bank Lake, Sawbill Lake, Brule Lake, Big Lake in Townships 64 and 65 North, Range 13 West, Saganaga Lake, Seagull Lake, Clearwater Lake in Township 65 North, Range 1 East, and East Bearskin Lake in Township 64 North, Range 1 East and Range 1 West:

(2) Such other areas as may be designated by the commissioner of natural resources as hereinafter provided within the present boundaries of the Superior National Forest and the Kabetogama and Pigeon River purchase units thereof as heretofore established by federal authority and not less than five miles from any public highway.

Subd. 3. "Public waters" shall mean all waters lying wholly within the state and all portions of boundary waters within the jurisdiction of the state contained within any wilderness areas designated hereunder and which the public have a right to use for navigation, fishing, hunting or any other beneficial public use.

Subd. 4. "Aircraft" shall mean any contrivance now known or hereafter invented and used or designed for navigation or flight in the air.

[1949 c 630 s 1; 1969 c 1129 art 10 s 2]

84.44 DECLARATION OF POLICY. It is hereby declared that regulation and control of the operation of aircraft and watercraft upon or over any wilderness area and public waters therein is necessary for the protection and promotion of public health, safety and welfare and other interests of the public therein and for the protection and conservation of natural wilderness conditions and other natural resources therein for the public benefit.

[1949 c 630 s 2]

84.45 COMMISSIONER, POWERS AND DUTIES. The commissioner of natural resources shall have power and it shall be his duty to designate such wilderness areas within the limits hereinbefore authorized as he shall determine after investigation to be necessary for the purposes of sections 84.43 to 84.52, and to add to, withdraw from, or otherwise modify such designations from time to time as the fulfillment of such purposes may require. Such designations shall be made by regulations adopted as provided by and subject to the laws relating to regulations of administrative agencies of the state, and may be modified or rescinded in like manner; provided, that in addition to or in connection with the proceedings required under said laws, the commissioner of natural resources or his authorized agent shall hold a public hearing on any proposal for a designation or a change therein hereunder at a place designated by him in a county containing

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lands affected thereby, of which at least two weeks published notice shall be given in each county affected, and at least 30 days notice shall be given by mail to the county auditor of each such county.

[1949 c 630 s 3; 1969 c 1129 art 10 s 2]

84.46 COMMISSIONER OF AERONAUTICS; AIRCRAFT CHECKING STATIONS. Subdivision 1. The commissioner of aeronautics shall have power and it shall be his duty as soon as practicable after the passage of Laws 1949, Chapter 630, to designate as aircraft checking stations at least three airports having suitable facilities for the landing of aircraft equipped for flying and landing in wilderness areas. Such checking stations shall be located so as to cover the commonly used approaches to such wilderness areas by air from all sides, as far as practicable, and each such station shall be within 100 miles of the nearest point on the boundary of such wilderness areas. The designation of such checking stations shall be made by regulations adopted as provided by and subject to the laws relating to regulations of the commissioner of aeronautics, and may be modified or rescinded in like manner from time to time as may be necessary for the purposes of sections 84.43 to 84.52. The commissioner of natural resources shall appoint attendants for such checking stations and shall prescribe their powers and duties, subject to the provisions hereof. Officers or employees of other state departments or governmental subdivisions of the state may be appointed as such attendants with the approval of their appointing authorities.

Subd. 2. The provisions of this subdivision shall apply to all aircraft and pilots thereof except as otherwise provided herein. From and after the designation of not less than three checking stations as hereinbefore provided, no such aircraft pilot shall fly an aircraft into or over any wilderness area at a height less than 2,000 feet from the ground, except as may be necessary for safety, without first landing at a checking station designated hereunder and making a written report to the attendant, on a form prescribed by the commissioner of conservation, containing the following information: type and federal registration number of the aircraft; name, address, and license number of the pilot; names and addresses of the passengers; purpose of flight; proposed line of flight and destination within the wilderness areas; proposed period of stay therein, and proposed checking station for reporting on departure therefrom. The attendant shall deliver to the pilot a countersigned copy of the report, which the pilot shall retain in his possession at all times while in the wilderness areas on the trip covered thereby. During the period of such trip as stated in the report, the aircraft shall not be operated, landed, or kept at any place within the wilderness areas except as specified in the report, and shall not remain within such areas after the expiration of such period. Upon leaving such areas at any time after entering the same, the pilot, before landing the aircraft at any other place, shall immediately proceed to and land at the checking station designated for checking out in his report, and shall check out by submitting his copy of the report to the attendant, who shall endorse the same to show such checking-out and return the same to the pilot; provided, that if by reason of weather conditions or otherwise it is impracticable for the pilot to check out at the station designated in the report, he may check out at any other checking station established hereunder, submitting a written statement of his reasons therefor. All records made hereunder shall be kept on file at the checking stations, and shall be subject to inspection by the commissioner of aeronautics, the commissioner of natural resources, or their authorized agents, and by any conservation officer or other law enforcement officer.

Subd. 3. The provisions of sections 84.43 to 84.52 shall not apply to the use of aircraft by any officer or agency of the state or of the United States for any authorized public purpose.

Subd. 4. The provisions of sections 84.43 to 84.52 shall not prohibit or prevent the operation or landing of any aircraft within any such area so far as may be necessary to save life or property or prevent substantial injury thereto in an emergency.

[1949 c 630 s 4; 1967 c 905 s 9; 1969 c 1129 art 10 s 2]

84.47 PERMITS TO PRIVATE PROPERTY OWNERS. Subdivision 1. In case there shall be any private property situated within any such area and such private property, at the time such area is designated, is improved and used for purposes for which air transportation is essential, written permits shall be issued by the commissioner of aeronautics which shall authorize the operation of aircraft

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without check in or check out for the transportation of persons, their lawful possessions and materials to such extent as is necessary for the continuation of the use of the property affected existing at the time of the designation of the area, such permits to be issued upon the following conditions:

(a) The owner, lessee or operator of such private property shall have a licensed seaplane base on or adjacent to his property.

(b) Such permits shall thereupon be issued to the owner or operator of any aircraft to fly to, from, and between such bases and such other points as may be designated in the permit, provided such aircraft owner or operator has first complied with reasonable standards as to safety, equipment, and insurance to be established by the commissioner of aeronautics as provided by law.

(c) If the private property affected is situated in a wilderness area designated by the commissioner of natural resources as hereinbefore provided, a permit shall be issued for such aircraft operation as may be necessary for the continuation of any lawful use of the property; whether existing at the time of the designation of such area or thereafter developed.

(d) A permit shall be effective until the end of the calendar year in which it is issued, and shall be renewable annually upon the continued existence of the conditions authorizing its original issue. Every permit shall be subject to suspension or revocation, as the commissioner of aeronautics shall determine, upon conviction of the permittee of any violation of the provisions of sections 84.43 to 84.52.

(e) Every holder of a permit hereunder shall keep daily written records in duplicate, on forms prescribed by the commissioner of natural resources, of all aircraft operations under the permit, containing the following information as to each flight, in addition to such other information as may be required by law or by regulations of the commissioner of natural resources: type and federal registration number of the aircraft; name, address, and license number of the pilot; names and addresses of passengers; purposes of flight, place, date, and time of beginning and termination of flight, line of flight and destinations. On or before the fifth of each month the permittee shall mail one of the duplicates of such records for all flights during the preceding calendar month to the commissioner of natural resources, who shall keep the same on file and subject to inspection in like manner as hereinbefore provided for inspection of copies of reports at checking stations.

Subd. 2. Any aircraft owner or operator carrying passengers for hire from a licensed seaplane base outside of the wilderness areas may obtain a permit in like manner as hereinbefore provided for operating between such base or other points outside of such areas, to be designated in the permit, and any points within such areas, subject to compliance with the requirements for keeping and mailing records and all other conditions pertaining to permits as hereinbefore prescribed, so far as applicable.

[1949 c 630 s 5; 1969 c 1129 art 10 s 2]

84.48 TWO-WAY RADIO SYSTEM. No aircraft shall fly into or over any such area except at the altitudes authorized in section 84.46, without being equipped with a two-way radio system, provided that this requirement shall not become effective until prescribed by order of the commissioner of aeronautics and provided further that when it has been so prescribed, the operator of each such aircraft shall report his presence and location by radio to such station as may be designated by the commissioner of aeronautics and at such times during his stay within the area as the commissioner of aeronautics may prescribe. Orders of the commissioner of aeronautics under this section shall be prescribed by regulations adopted, modified, or rescinded as may be necessary for the purposes of sections 84.43 to 84.52 in accordance with the laws relating to his regulations in other cases.

[1949 c 630 s 6]

84.49 WATER CRAFT, LIMITATION OF OPERATION. No aircraft pilot, owner or operator shall keep or maintain within any wilderness area designated hereunder, any boat, canoe or other watercraft at any point within such area except at private property encumbered with a structure or structures suitable for human occupancy, or unless in the immediate possession and control of a person authorized by the owner to so possess and control it. Any boat, canoe or other watercraft not so maintained, possessed or controlled shall be deemed contraband and be subject to confiscation in the name of the state by any state conservation officer or

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peace officer and shall be disposed of in the same manner as other property confiscated by the director of game and fish.
[1949 c 630 s 7; 1967 c 905 s 9]

84.50 VIOLATIONS AND PENALTIES. Violation of any provision of sections 84.43 to 84.52 shall be a misdemeanor, and any court imposing sentence shall be authorized upon recommendation of the commissioner of aeronautics to prohibit the pilot so convicted from operating an aircraft within the state for a period not exceeding one year.
[1949 c 630 s 8]

84.51 INSPECTION. Every aircraft while landed at a checking station to report as herein provided shall be subject to inspection by the commissioner of natural resources or his authorized agents, or by any conservation officer, any of whom may, without a warrant, examine and search such aircraft for wild animals illegally taken or possessed or for other things declared contraband by the laws relating to wild animals, and may seize and confiscate in the name of the state any such contraband which may thereupon be found.
[1949 c 630 s 9; 1967 c 905 s 9; 1969 c 1129 art 10 s 2]

84.52 CERTAIN ZONING REGULATIONS APPLICABLE. Nothing herein contained shall authorize interference or conflict with the operation of any airport or other aeronautics facilities authorized, constructed, or maintained under any law, nor so as to interfere or conflict with any zoning regulations or any other regulations relating to aeronautics prescribed by or adopted pursuant to any other law.
[1949 c 630 s 10]

84.521 SUSPENSION OF SECTIONS 84.43 TO 84.52. The operation of Minnesota Statutes 1949, Sections 84.43 to 84.52, is hereby temporarily suspended, which suspension shall be effective during such time as Executive Order 10062, issued December 20, 1949, by the President of the United States remains in effect.
[1951 c 157 s 1]

84.53 TOPOGRAPHIC SURVEY; COMMISSIONER OF NATURAL RESOURCES. The commissioner of natural resources is authorized to make or provide for a topographic survey of the state and maps thereof, including preliminary aerial surveys incidental thereto, so far as funds may be made available therefor, and subject to the provisions hereof. For that purpose he may cooperate with the United States Geological Survey or any other federal, state, or local public agency or governmental subdivision, or with any private agency, under conditions mutually agreed upon. He may accept gifts or grants of money or property for the purposes hereof, and the same are hereby appropriated therefor. All surveys and maps made hereunder shall conform with standards prescribed or approved by the United States Geological Survey or other federal authority.
[1949 c 669 s 1; 1969 c 1129 art 10 s 2]

84.54 TOPOGRAPHIC SURVEY; PLANNING OFFICER. The state planning officer shall study the general topographic survey and mapping needs of the state, and shall advise the commissioner of natural resources in determining the order of surveys and otherwise planning the operations, and shall promote coordination of survey and mapping activities of public and private agencies within the state.
[1949 c 669 s 2; 1969 c 9 s 11; 1969 c 1129 art 10 s 2]

NOTE: See section 4.15.

84.55 COUNTY BOARD OR GOVERNING BODY OF ANY MUNICIPALITY MAY COOPERATE. The county board of any county or the governing body of any municipality may cooperate with or through the commissioner of natural resources and may provide facilities or equipment and expend moneys in furtherance of the provisions of sections 84.53 to 84.56 in consideration of benefits derived therefrom. Such expenditures may be made by direct payment for specified projects or operations or by contributions to the commissioner of natural resources for disposal in accordance with any agreement made hereunder.
[1949 c 669 s 3; 1969 c 1129 art 10 s 2]

84.56 [Temporary appropriation]

84.57 UNDERGROUND WATERS, DISPLACEMENT BY UNDERGROUND STORAGE OF GAS OR LIQUID UNDER PRESSURE. It shall be unlawful for the state, any person, partnership, association, private or public corporation, county,

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municipality or other political subdivision of the state to displace any underground waters of this state whether in consolidated or unconsolidated formations by the underground storage of any gas or liquid under pressure without first having secured a permit therefor from the commissioner of natural resources.

[1953 c 512 s 1; 1969 c 1129 art 10 s 2]

84.58 PERMIT FOR UNDERGROUND STORAGE. Subdivision 1. Application. Application for said permit shall be made to the commissioner of natural resources in writing on a form prescribed by the commissioner accompanied by maps, plans and specifications describing the proposed displacement of underground waters and the underground storage of gases or liquids and such other data as the commissioner may require.

Subd. 2. Public hearing. No permit for the displacement of underground waters shall be issued by the commissioner without first having held a public hearing thereon.

Subd. 3. Time of hearing. Within 20 days after the receipt of the application together with all data requested by him the commissioner shall fix a time and place for a hearing thereon.

Subd. 4. Notice of hearing. Notice of hearing on any application shall recite the date, place and time fixed by the commissioner for the public hearing thereon and the notice shall show the location of waters and property affected and be published by the applicant, or by the commissioner if the proceeding is initiated by him, once each week for two successive weeks in a legal newspaper published in the county in which a part or all of the affected waters are located. Notice shall also be mailed by the commissioner to the county auditor and the chief executive official of any municipality affected.

Subd. 5. Procedure at hearing. The hearing shall be public and shall be conducted by the commissioner or a referee appointed by him. All affected persons shall have an opportunity to be heard. All testimony shall be taken under oath and the right of cross-examination shall be accorded. The commissioner shall provide a stenographer, at the expense of the applicant, to take testimony and a record of the testimony and all proceedings at the hearing shall be taken and preserved. The commissioner shall not be bound by judicial rules of evidence or of pleading and procedure.

Subd. 6. Witnesses, subpoenas. The commissioner may subpoena and compel the attendance of witnesses and the production of all books and documents material to the purposes of the hearing. Disobedience of every such subpoena, or refusal to be sworn, or to answer as a witness, shall be punishable as a contempt in like manner as a contempt of the district court on complaint of the commissioner before the district court of the county where such disobedience or refusal occurred.

Subd. 7. Publication of findings, conclusions, orders. The commissioner shall mail notice of any findings, conclusions, and orders made after the hearing to the following: (1) The applicant; (2) parties who entered an appearance at the hearing; (3) the county auditor, and (4) the chief executive officer of any municipality affected. The commissioner shall publish, at the expense of the applicant, notice of any findings, conclusions, and orders made after the hearing at least once each week for two successive weeks in a legal newspaper in the county in which a part or all of the project is located.

[1953 c 512 s 2-7; 1969 c 723 s 1, 2; 1969 c 1129 art 10 s 2]

84.59 APPEALS TO DISTRICT COURT FROM DETERMINATION OF COMMISSIONER OF NATURAL RESOURCES. Any party in interest may appeal from the determination of the commissioner to the district court of the county in which the project is wholly or partly located in accordance with the provisions of section 105.47, insofar as the provisions thereof are applicable and may appeal to the supreme court as provided in said section.

[1953 c 512 s 8]

84.60 ORDER GRANTING PERMIT; FINDINGS, RESTRICTIONS. No order granting a permit for the proposed storage shall be issued unless it shall contain and be based on the following findings:

(1) The proposed storage will be confined to geological stratum or strata lying more than 500 feet below the surface of the soil;

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(2) The proposed storage will not substantially impair or pollute any water resources;

(3) That the public convenience and necessity of a substantial portion of the gas consuming public in the state will be served by such undertaking; and unless said order shall contain conditions and restrictions which will reasonably protect;

(a) Private property or any interest not appropriated;

(b) The rights of the owners of lands, or of owners of any interests in said lands, lying within the boundaries of said proposed storage area, or those claiming under said owners, to explore for, drill for, produce or develop for the recovery of oil or gas or minerals under said lands, or to drill wells on said lands for the development and the production of water; provided, that such exploration, drilling, producing or developing shall comply with orders, rules and regulations of the commissioner issued for the purpose of protecting underground storage strata or formations against pollution and against the escape of gas therefrom; and

(c) Any public resources of the state which may be adversely affected by such use.

[1953 c 512 s 9]

84.61 DAMAGES, PAYMENT. The commissioner may, in such order or permit, require such corporation to demonstrate to the commissioner that said corporation has adequately provided a method to insure payment of any damage resulting from the operation of the gas or liquid storage reservoir.

[1953 c 512 s 10]

84.611 ABANDONMENT OF PROJECT. No underground storage project for which a permit is granted under provisions of sections 84.57 to 84.62 shall be abandoned, nor shall any natural or artificial opening extending therefrom to the ground surface be filled, sealed or otherwise closed to inspection, except upon written approval by the commissioner and in compliance with any conditions that the commissioner may impose.

[1969 c 723 s 3]

84.62 CERTIFICATE OF USE. No use shall be made of said gas or liquid storage reservoir by the applicant unless and until the right to use the property involved in said project has been filed with the commissioner of natural resources and a certificate of use issued by him.

[1963 c 512 s 11; 1969 c 1129 art 10 s 2]

84.621 STORAGE OF GAS OR LIQUID UNDERGROUND IN NATURAL FORMATIONS. Subdivision 1. It is unlawful for the state, any person, partnership, association, private or public corporation, county, municipality or other political subdivision of the state to store any gas or liquid, except water, below the natural surface of the ground by using naturally occurring rock materials as a storage reservoir without first having secured a permit therefor from the commissioner of natural resources.

Subd. 2. The provisions of section 84.58, relating to application for a permit, notice of the hearing on the permit, time of hearing, procedures at the hearing, the authority of the commissioner of natural resources to subpoena and compel the attendance of witnesses, and the production of books and documents, and the punishment of contempt, apply to this section, insofar as applicable.

Subd. 3. The commissioner shall make findings as provided in section 84.60, including but not limited to a finding that the public convenience and necessity of a substantial portion of the public which consumes the product must be served.

Subd. 4. The commissioner may require the applicant to demonstrate that he is capable of paying damages resulting from the operation of the storage.

Subd. 5. Appeals shall be taken as provided in section 84.59.

Subd. 6. No use shall be made of a storage reservoir until a use certificate has been issued as provided in section 84.62.

Subd. 7. This section is not intended to supersede sections 84.57 to 84.62, but is intended to be complementary to these sections by providing for the regulation of underground storage reservoirs which do not involve the displacement of underground waters.

[1969 c 724 s 1; 1969 c 1129 art 10 s 2]

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84.63 CONVEYANCE OF INTERESTS IN LANDS TO STATE AND FEDERAL GOVERNMENTS. Notwithstanding any existing law to the contrary, the commissioner of natural resources is hereby authorized on behalf of the state to convey to the United States or to the state of Minnesota or any of its subdivisions, upon state-owned lands under the administration of the commissioner of natural resources, permanent or temporary easements for specified periods or otherwise for highways, roads and trails, flowage for development of fish and game resources, stream protection, flood control, and necessary appurtenances thereto, such conveyances to be made upon such terms and conditions including provision for reversion in the event of nonuser as the commissioner of natural resources may determine.

[Ex 1967 c 21 s 1; 1969 c 1129 art 10 s 2]

SNOWMOBILES

84.81 DEFINITIONS. Subdivision 1. For the purposes of Laws 1967, Chapter 876 the terms defined herein shall have the meaning ascribed to them.

Subd. 2. "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

Subd. 3. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Subd. 4. "Owner" means a person, other than a lien holder, having the property in or title to a snowmobile entitled to the use or possession thereof.

Subd. 5. "Operate" means to ride in or on and control the operation of a snowmobile.

Subd. 6. "Operator" means every person who operates or is in actual physical control of a snowmobile.

Subd. 7. "Register" means the act of assigning a registration number to a snowmobile.

Subd. 8. "Commissioner" means the commissioner of natural resources acting directly or through his authorized agent.

Subd. 9. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

Subd. 10. "Dealer" means a person, partnership, or corporation engaged in the business of selling snowmobiles at wholesale or retail.

Subd. 11. "Manufacturer" means a person, partnership, or corporation engaged in the business of manufacturing snowmobiles.

[1967 c 876 s 3; 1969 c 695 s 1, 2; 1969 c 1129 art 10 s 2; 1971 c 577 s 1]

84.82 SNOWMOBILE REGISTRATION. Subdivision 1. General requirements. Except as hereinafter provided, no person shall after June 30, 1969, operate or transport any snowmobile within the state unless such snowmobile has been registered in accordance with the provisions of sections 84.81 to 84.83, except snowmobiles in transit by a manufacturer, distributor or dealer. No person shall sell a snowmobile without furnishing the buyer a bill of sale on a form prescribed by the commissioner.

Subd. 2. Application, issuance, reports. Application for registration shall be made to the commissioner or an authorized deputy registrar of motor vehicles in such form as the commissioner shall prescribe, and shall state the name and address of every owner of the snowmobile and be signed by at least one owner. Upon receipt of the application and the appropriate fee as hereinafter provided, such snowmobile shall be registered and a registration number assigned which shall be affixed to the snowmobile in such manner as the commissioner shall prescribe. Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also be a deputy registrar of snowmobiles. The commissioner may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements. A fee of 50 cents in addition to that otherwise prescribed by law shall be charged for each snowmobile registered by a deputy registrar. The fee shall be disposed of in the manner provided in section 168.33, subdivision 2.

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Subd. 3. Fees for registration. (a) The fee for registration of each snowmobile, other than those registered by a dealer or manufacturer pursuant to clauses (b) or (c) of this subdivision, shall be as follows: \$12 for three years and \$2 for a duplicate or transfer.

(b) The total registration fee for all snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be \$37.50 per year.

(c) The total registration fee for all snowmobiles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes shall be \$150 per year. Dealer and manufacturer registrations are not transferable.

Subd. 4. Renewal. Every owner of a snowmobile shall renew his registration in such manner as the commissioner shall prescribe, upon payment of the same registration fees provided in subdivision 3 hereof.

Subd. 5. Snowmobiles owned by state or political subdivision. A registration number shall be issued without the payment of a fee for snowmobiles owned by the state of Minnesota or a political subdivision thereof upon application therefor.

Subd. 6. Exemptions. No registration hereunder shall be required for the following described snowmobiles:

(a) Snowmobiles owned and used by the United States, another state, or a political subdivision thereof.

(b) Snowmobiles registered in a country other than the United States temporarily used within this state.

(c) Snowmobiles covered by a valid license of another state and which have not been within this state for more than 30 consecutive days.

Subd. 7. The commissioner of natural resources may issue special permits to out of state snowmobiles from a state or country where registration is not required to operate in Minnesota for limited periods of time not to exceed 30 days in connection with organized group outings, trailrides, races, rallies and other promotional events.

Subd. 8. Registration by persons under 18 prohibited. No person under the age of 18 years may register a snowmobile.

[1967 c 876 s 4; 1969 c 131 s 1; 1969 c 695 s 3, 4; 1969 c 1129 art 10 s 2; 1971 c 577 s 2-5; Ex1971 c 48 s 33, 34]

84.821 REQUIREMENTS OF MAKERS OF SNOWMOBILES. Subdivision 1. All snowmobiles made after June 30, 1972, and sold in Minnesota, shall bear the maker's permanent identification number stamped in letters and numbers in the form and at a location prescribed by rule and regulation of the commissioner.

Subd. 2. All snowmobiles made after June 30, 1972, and sold in Minnesota, shall be designed and made to provide an area on which to affix the registration number. This area shall be at a location and of dimensions prescribed by rule and regulation of the commissioner.

[1971 c 577 s 6]

84.83 DISPOSITION OF RECEIPTS. Fees from registration of snowmobiles shall be deposited with the state treasurer to the credit of the general fund.

[1967 c 876 s 5; 1969 c 399 s 1; 1969 c 695 s 5]

84.84 TRANSFER OR TERMINATION OF SNOWMOBILE OWNERSHIP. Within 15 days after the transfer of ownership, or any part thereof, other than a security interest, or the destruction or abandonment of any snowmobile, written notice thereof shall be given to the commissioner in such form as he shall prescribe. Every owner or part owner of a snowmobile shall, upon failure to give such notice, be subject to the penalties imposed by Laws 1967, Chapter 876.

[1967 c 876 s 6]

84.85 LICENSING BY POLITICAL SUBDIVISIONS. No political subdivision of this state shall require licensing or registration of snowmobiles covered by the provisions of Laws 1967, Chapter 876.

[1967 c 876 s 7]

84.86 RULES AND REGULATIONS. Subdivision 1. With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules and regulations in the manner provided by chapter 15, for the following purposes:

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- (1) Registration of snowmobiles and display of registration numbers.
- (2) Use of snowmobiles insofar as game and fish resources are affected.
- (3) Use of snowmobiles on public lands and waters under the jurisdiction of the commissioner of natural resources.
- (4) Uniform signs to be used by the state, counties, cities, villages, and boroughs, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.
- (5) Specifications relating to snowmobile mufflers.
- (6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray a portion of the expenses of training and certifying snowmobile operators, the commissioner shall collect a fee of not to exceed \$2 from each person who receives the training and shall deposit the fee in the general fund and the amount thereof is appropriated annually to the commissioner of natural resources for the administration of such programs. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.
- (7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$100 or more, shall promptly forward a written report of the accident to the commissioner on such form as he shall prescribe.

Subd. 2. The commissioner of public safety may adopt rules and regulations not inconsistent herewith in the manner provided by chapter 13, regulating the use of snowmobiles on streets and highways.

[1967 c 876 s 8; 1969 c 399 s 1; 1969 c 695 s 6; 1969 c 1129 art 10 s 2; 1971 c 491 s 1; 1971 c 577 s 7]

84.87 OPERATION; REGULATIONS BY MUNICIPALITIES. Subdivision 1. **Operation on streets and highways.** (a) No person shall operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any trunk, county state aid, or county highway in this state and, in the case of a divided trunk or county highway, on the right of way between the opposing lanes of traffic, except as provided in this act. No person shall operate a snowmobile within the right of way of any trunk, county state aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right hand side of such right of way and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto. No snowmobile shall be operated at any time within the right of way of any interstate highway or freeway within this state.

(b) A snowmobile may make a direct crossing of a street or highway at any hour of the day provided:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

(2) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and

(3) The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard; and

(4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway; and

(5) If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

(c) No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one tail lamp, each of minimum candle-

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power as prescribed by regulations of the commissioner, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes each of which shall conform to standards prescribed by rule of the commissioner pursuant to the authority vested in him by section 84.86, and each of which shall be subject to approval of the commissioner of public safety.

(d) A snowmobile may be operated upon a public street or highway other than as provided by clause (b) in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

(e) All provisions of chapter 169 shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application.

(f) Any sled, trailer, or other device being towed by a snowmobile must be equipped with reflective materials as required by rule and regulation of the commissioner.

Subd. 1a. International contests, use of highways, etc. Nothing in this section or chapter 169 shall prohibit the use of snowmobiles within the right of way of any state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in any international contest, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.

In permitting such contest, the official or board having jurisdiction may prescribe such restrictions or conditions as they may deem advisable.

Subd. 2. Operation generally. It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

(a) At a rate of speed greater than reasonable or proper under all the surrounding circumstances;

(b) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;

(c) While under the influence of intoxicating liquor or narcotics or habit forming drugs;

(d) Without a lighted head and tail light when required for safety;

(e) In any tree nursery or planting in a manner which damages or destroys growing stock.

Subd. 3. Regulations by political subdivisions. Notwithstanding anything in this section to the contrary, a county board may by resolution permit the operation of snowmobiles upon the roadway, shoulder, or inside bank or slope of any county highway if safe operation in the ditch or outside bank or slope thereof is impossible, in which case the county board shall cause appropriate notice thereof to be given.

Any county, city, village or borough, or any town acting by its town board, may regulate the operation of snowmobiles on public lands, waters, and property under their jurisdiction and on streets and highways within their boundaries by resolution or ordinance of the governing body and by giving appropriate notice, provided such regulations are not inconsistent with the provisions of sections 84.81 to 84.88 inclusive and rules and regulations, promulgated thereunder. However, no such governmental unit may adopt an ordinance which (1) imposes a fee for the use of public land or water under the jurisdiction of either the commissioner of natural resources or any other agency of the state, or for the use of any access thereto owned by the state, or a county, city, village, or borough; or (2) require a snowmobile operator to possess a motor vehicle driver's license while operating a snowmobile.

[1967 c 876 s 9; 1969 c 1 s 1; 1969 c 695 s 7, 8; 1969 c 1129 art 10 s 2; 1971 c 491 s 2; 1971 c 577 s 8]

84.871 MUFFLERS. Except as provided in this section, every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. This section does not apply to organized races or similar competitive events held on (1) private lands, with the permission of the owner, lessee, or custodian of the land; (2) public lands and water under the

§4.873 DEPARTMENT OF NATURAL RESOURCES

jurisdiction of the commissioner of natural resources, with the commissioner's permission; or (3) other public lands, with the consent of the public agency owning the land. No person shall have for sale, sell, or offer for sale on any new snowmobile any muffler that fails to comply with the specifications required by the rules and regulations of the commissioner after the effective date of the rules and regulations.

[1969 c 695 s 9; 1969 c 1129 art 10 s 2]

§1.872 YOUTHFUL SNOWMOBILE OPERATORS; PROHIBITIONS. Notwithstanding anything in section 81.87 to the contrary, no person under 14 years of age shall make a direct crossing of a trunk, county state aid, or county highway as the operator of a snowmobile, or operate a snowmobile upon a street or highway within a municipality. A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a trunk, county state aid, or county highway only if he has in his immediate possession a valid snowmobile safety certificate issued by the commissioner. No person under the age of 14 years shall operate a snowmobile on any public land or water under the jurisdiction of the commissioner unless accompanied by one of the following listed persons on the same or an accompanying snowmobile, or on a device towed by the same or an accompanying snowmobile: his parent, legal guardian, or other person 18 years of age or older. However, a person 12 years of age or older may operate a snowmobile on public lands and waters under the jurisdiction of the commissioner if he has in his immediate possession a valid snowmobile safety certificate issued by the commissioner.

It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

When the judge of a juvenile court, or any of its duly authorized agents, shall determine that any person, while less than 18 years of age, has violated the provisions of sections 81.81 to 81.88, or any other state or local law or ordinance regulating the operation of snowmobiles, the judge, or duly authorized agent, shall immediately report such determination to the commissioner and may recommend the suspension of the person's snowmobile safety certificate. The commissioner is hereby authorized to suspend the certificate, without a hearing.

[1969 c 695 s 10; 1971 c 577 s 9]

§1.88 PENALTIES. Subdivision 1. Any person who shall violate any provision of sections 81.81 to 81.88 or any regulation of the commissioner of natural resources or of the commissioner of public safety promulgated pursuant to law shall be guilty of a misdemeanor.

Subd. 2. A person registered as owner of a snowmobile may be fined not to exceed \$300 if a snowmobile bearing his registration number is operated contrary to the provisions of sections 81.81 to 81.88, 100.26, subdivision 1, or 100.29, subdivisions 28 or 29. The registered owner may not be so fined if (a) the snowmobile was reported as stolen to the commissioner or a law enforcement agency at the time of the alleged unlawful act, or if (b) the registered owner demonstrates that the snowmobile either was stolen or was not in use at the time of the alleged unlawful act, or if (c) the registered owner furnishes to law enforcement officers upon request the identity of the person in actual physical control of the snowmobile at the time of such violation. The provisions of this subdivision do not apply to any person who rents or leases a snowmobile if such person keeps a record of the name and address of the person or persons renting or leasing such snowmobile, the registration number thereof, the departure date and time, and expected time of return thereof. Such record shall be preserved for at least six months and shall be prima facie evidence that the person named therein was the operator thereof at the time it was operated contrary to sections 81.81 to 81.88, 100.26, subdivision 1, or 100.29, subdivisions 28 or 29. The provisions of this subdivision do not prohibit or limit the prosecution of a snowmobile operator for violating any of the sections referred to in this subdivision.

[1967 c 876 s 10; 1969 c 1119 art 10 s 2; 1971 c 23 s 10; 1971 c 491 s 3; 1971 c 577 s 10]

§1.89 CONFISCATION OF SNOWMOBILE USED IN BURGLARY. A law enforcement officer shall seize any snowmobile, as defined in section 81.81, used for the purpose of gaining access to property for the purpose of committing the crime of burglary, as defined in section 609.58. Any snowmobile seized pursuant to this

DEPARTMENT OF NATURAL RESOURCES §1.89

section shall be held, subject to the order of the district court of the county in which the burglary was committed, and shall be confiscated after conviction of the person from whom the snowmobile was seized and disposed of in accordance with the procedure provided for equipment used in committing game and fish violations by section 97.50, subdivision 6, except that the balance of the proceeds from the sale of a confiscated snowmobile which are paid into the state treasury shall be credited to the general fund.

[1969 c 176 s 1; 1969 c 599 s 1]

ATTACHMENT C.12.B

FEES AND CHARGES

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS AND RECREATION

FEES AND CHARGES ORDER NO. 15
AMENDING FEES AND CHARGES ORDER NO. 14

Effective April 22, 1974

Pursuant to authority vested in me by law, I, Robert L. Herbst, Commissioner of Natural Resources do hereby establish the following fees and charges for State Park facilities. Such fees and charges to become effective April 22, 1974. All previous orders establishing fees and charges are hereby rescinded and superseded by this order.

TOURIST CAMPS

\$3.00 per day per camp site. One picnic table and campfire base per site.

.50 per day per site (where available) electric services.

BOATS

ROW BOATS AND CANOES

\$1.00 first hour.

.50 each additional hour

Deposit Required

5.00 maximum daily charge

Exception: William O'Brien, Interstate and St. Croix - private concessions subject to annual negotiations.

Seasonal Boat Launching and Dockage Permit - \$15.00 per boat.

LAUNCH - Itasca

\$1.00 Adults

.50 Children

20.00 Per Chartered Trip

ORGANIZED YOUTH GROUP CAMP

CLASS I CAMP - Long Term (14 days or more)

\$20.00 per day (not to exceed 4 days) for pre-camp and post-camp period.

.50 per person per day during camping period on minimum daily charge based on rated capacity of the individual camp.

CLASS II CAMP - Short Term (less than 14 days) minimum rental -
2 days

\$30.00 per day or the charge per camper, whichever is greater.

.75 per person per day or the minimum daily charge based on
the rated capacity of the individual camp.

CLASS III PIONEER CAMP

\$.25 per person per day (staff included)

3.00 per day minimum

SERVICE CHARGES FOR GROUP CAMPS

\$.05 per KW hour of electricity used during use period.

.50 per day per phone plus tolls.

5.00 per hour for trucking service.

FORFEITURE CLAUSE

The permittee agrees to forfeit ten (10%) per cent of the
rental fee for short term use and fifteen (15%) per cent
of the estimated long term use if the reservation is can-
celled within ten days prior to occupancy.

ROOM AND CABIN RATES AT DOUGLAS LODGE, Itasca State Park - No
Housekeeping Accommodations
at Douglas Lodge.

No. of Units	CABINS		RATE PER DAY
2	Living room with fireplace and double daveno-bed	Cabin 8	\$15.00
	1 bedroom with double bed, bath, 2 people	Cabin 11	\$15.00
3	Living room with double daveno- bed, 1 bedroom with twin beds, bath, 2 people	Cabin 1 Cabin 11 Cabin 12	\$18.00 16.00 16.00
1	Living room with double daveno- bed, 2 bedrooms with 4 twin beds, shower, 4 people	Cabin 4	\$26.00
6	Living room with fireplace, 3 bedrooms (3 double beds), bath, Family rate.	Cabins 5, 6, 7, 9, 10, 12	\$22.00

A charge of \$2.00 per adult and \$1.00 per child under 12 will apply
to occupancy over the minimum rate per cabin.

No. of Units	MULTIPLE	DOUBLE	TWINS		
4	Combination living room and bedroom, dressing room and bath. Two units have double beds - 2 twins.	\$14.00	\$16.00		
	*NICOLLET COURT	SINGLE OCCUPANCY	DOUBLE OCCUPANCY		
18	Room with private showers - 8 rooms have twin beds, 10 have double beds. Double Bed Rooms: Twin Bed Rooms:	\$10.00 12.00	\$12.00 14.00		
UNITS	MAIN LODGE	SINGLE	DOUBLE	THREE PEOPLE	FOUR PEOPLE
2	Plain room (double bed) #8 #3	\$5.00	\$6.00		
1	Plain room (double and single)		7.00	\$9.00	
1	Two-room suite with shower #6 2 singles and 1 double bed			15.00	\$17.00
1	Two-room suite with bath - 4 single beds (There are 2 lavatories and 1 shower on the floor for the plain rooms).				18.00
	CLUBHOUSE	SINGLE	DOUBLE	THREE PEOPLE	
**6	1 double bed	\$5.00	\$7.00		
**2	1 double bed and 1 twin		7.00	\$9.00	
2	Rooms with private bath (Double Bed)	6.00	8.00		
Group rate for entire building \$70.00 per night.					

- * Nicollet Court is the former Annex Site
 ** Rooms with lavatory and adjacent bath (two rooms sharing bath).

HOUSEKEEPING CABINS - ITASCA STATE PARK

One Room Cabins

Minimum for 2 people

\$12.00 One Day

8.00 Two to Fourteen Days

\$2.00 per day for each adult in addition to minimum in cabins.

\$1.00 per day for each child (under 12) in addition to minimum in cabins.

GOLF - WHITEWATER AND FORT RIDGELY STATE PARKS

\$2.50 per person DAILY fee on Monday, Tuesday, Wednesday, Thursday, Friday

3.00 per person DAILY fee on Saturday, Sunday and holidays.

35.00 per individual SEASONAL play permit.

50.00 per family SEASONAL play permits (parents and children under 18).


20.00 per junior SEASONAL play permit (under 18 years of age).

TOWER SOUDAN STATE PARK

Underground Tour Charges:

Adults	\$2.00
Children Under 17	1.00
Student Tours	1.00 (\$20.00 Minimum)

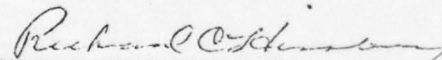
APPROVED:


ROBERT L. HERBST, Commissioner
Department of Natural Resources

Date: April 19, 1974.

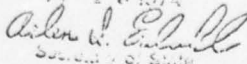
APPROVED AS TO FORM AND EXECUTION

WARREN SPANNAUS
Attorney General


Special Assistant Attorney General

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

APR 19 1974


Secretary of State

C.12.50

ATTACHMENT C.12.C

LAWS PERTAINING TO LEASING LAND
UNDER JURISDICTION OF THE
DEPARTMENT OF CONSERVATION

C.12.51

LAWS PERTAINING TO LEASING LAND UNDER JURISDICTION
OF THE DEPARTMENT OF CONSERVATION

The following laws govern the leasing of state owned land under the jurisdiction of the Department of Conservation. Each subdivision is specific to handle the various types of land, and each sample lease in this manual indicates under what authority the lease is being granted.

Minnesota Statute 84.027, Subd. 2

"The Commissioner shall have charge and control of all the public lands, parks, timber, waters, minerals, and wild animals of the state and of the use, sale, leasing, or other disposition thereof, and of all records pertaining to the performance of his functions relating thereto."

Minnesota Statute 84.415, Subd. 1

Utility companies, permit to cross State-owned lands.

"The Commissioner of Conservation may, at public or private sale and for such price and upon such terms as he may prescribe (except where prohibited by law) grant licenses permitting passage over, under, or across any part of any school, university, internal improvement, swamp, tax-forfeited, or other land or public water under the control of the state, or telephone, telegraph, and electric power lines, cables or conduits, underground or otherwise, or mains or pipelines for gas, liquids, or solids in suspension. Any such license shall be cancelable upon reasonable notice by the Commissioner for substantial violation of its terms, or if at any time its continuance will conflict with a public use of the land or water over or upon which it is granted, or for any other cause. All such land or public water shall remain subject to sale or lease or other legal use, but in case of sale, lease or other use there may be excepted from the grant or other disposition of land or public water all rights included in any license over, under, or across it, and the license may contain an agreement that there will be such exception."

Minnesota Statute 89.17.

"LEASES AND PERMITS. The Commissioner shall have power to grant and execute, in the name of the state, leases and permits for the use of any state forest lands for any purpose which in his opinion is not inconsistent with the maintenance and management of the state forest in which the land is situated, on forestry principles for timber production. Every such lease or permit shall be revocable at his discretion at any time subject to such conditions as may be agreed on in the lease. The approval of the Commissioner of Administration shall not be required upon any such lease or permit. No such lease or permit for a period exceeding ten years shall be granted except with the approval of the executive council."

Minnesota Statute 92.46.

"LANDS AS CAMP GROUNDS. Subdivision 1. Public camp grounds. The director may designate suitable portions of the state lands so withdrawn from sale and not reserved, as provided in section 92.45, as permanent state public camp grounds and cause the same to be surveyed and platted into lots of convenient size, and may lease and let such lots for cottage and camp purposes under such terms and conditions as he may prescribe. No lease shall be made for a longer term than ten years, with the privilege of renewal, from time to time, for additional terms of not to exceed ten years each. All moneys received

from these leases of state lands so withdrawn from sale shall be credited to the fund to which the proceeds of the land belong."

Subd. 2

"Transient camping places. The director may designate suitable portions of these state lands so withdrawn from sale and not reserved, as provided in section 92.45, as state public camp grounds for the use and enjoyment by the public as transient camping places."

Minnesota Statute 92.50.

"UNSOLD LANDS SUBJECT TO SALE MAY BE LEASED. Subdivision 1. The Commissioner of Conservation may, at public or private vendue and at such prices and under such terms and conditions as he may prescribe lease any state-owned lands under his jurisdiction and control for the purpose of taking and removing sand, gravel, clay, rock, marl, peat, and black dirt therefrom, for storing thereon ore, waste materials from mines, or rock and tailings from ore milling plants, for roads or railroads, or for any other uses not inconsistent with the interests of the state. No such lease shall be made for a term to exceed ten years, except in the case of leases of lands for storage sites for ore, waste materials from mines, or rock and tailings from ore milling plants, or for the removal of peat, which may be made for term not exceeding 25 years, provided that such leases for the removal of peat shall be approved by the executive council. All such leases shall be made subject to sale and leasing of the land for mineral purposes under legal provisions and contain a provision for their cancellation at any time by the Commissioner upon three months written notice, provided that a longer notice period, not exceeding three years, may be provided in leases for storing ore, waste materials from mines or rock or tailings from ore milling plants; provided further, that in leases for the removal of peat, the Commissioner may determine the terms and conditions upon which the lease may be canceled. All money received from leases under this section shall be credited to the fund to which the land belongs."

Subd. 2.

"The Commissioner may grant leases and licenses for terms not exceeding 25 years, subject to cancellation at any time upon three years' notice, to deposit tailings from any iron ore beneficiation plant in any public lake not exceeding 160 acres in area, upon first holding a public hearing in the manner and under the procedure provided in Laws 1937, Chapter 468, as amended; and upon finding in pursuance of such public hearing,

(a) that such use of each lake is necessary and in the best interests of the public, and

(b) that the proposed use will not result in pollution or sedimentation of any outlet stream.

Provided further, that the Commissioner may impose further conditions and restrictions with respect to use of said lake to safeguard the public interest, including the requirement that the lessee or licensee acquire suitable permits or easements from the owners of all lands riparian to such lake. Any money received therefrom shall be deposited in the permanent school fund."

ATTACHMENT C.12.D

COOPERATIVE FARMING AGREEMENT

MINNESOTA NATURAL RESOURCES DEPARTMENT
DIVISION OF GAME & FISH

COOPERATIVE FARMING AGREEMENT

GF 101
(Rev. 2-72)

Submit in
Quadruplicate

The State of Minnesota through the Department of
Natural Resources, Division of Game and Fish,
(hereinafter referred to as the State), hereby grants
to _____
of _____
(hereinafter referred to as the Cooperator) in
consideration of the mutual benefits arising hereunder
and subject to the terms and conditions herein, the
privilege of using lands owned by or under the control
of the State, described as follows:

Unit Name _____
County _____
Fieldman _____

during the period beginning _____, 19____, and terminating _____, 19____,
for the cultivation, production, and harvesting of agricultural crops on a share or cash
basis as specified in the following tabulation:

Field	Crop	Acres	Cooperator's Share	STATE'S SHARE		Approximate Date Cash Payment Due
				(Percentages or Acres)		
				Harvested	Unharvested	

Special Conditions: (If none, so state.)

The Cooperator, by his signature, agrees to comply with all conditions stated
on both sides of this form.
Executed By:

Commissioner of Natural Resources

Cooperator _____ Date _____

By _____ Date _____

Game Manager _____ Date _____

Office Use Only

C.12.55

1. Unless otherwise specified under special conditions, the Cooperator shall pay for and furnish the seed, fertilizer, labor, materials, and equipment, and bear all expenses incident to the seeding, planting, cultivation, and harvesting of all crops and shall notify the State's authorized representative at least three days in advance of any intended harvesting operations. The Cooperator shall be responsible for the control of noxious weeds on the leased lands.
2. The use by the Cooperator of the land herein described is limited to crop production and is subject to necessary activities by the State for the management of wildlife.
3. The State shall not be responsible for any loss or damage to property including, but not limited to, crops, animals, and machinery or injury to persons which may arise incident to the occupation and use of the lands covered by this agreement; or for any loss of or damage to the property or injury to the persons of the Cooperator, or of the officers, agents, members, servants, or employees of the Cooperator.
4. It is mutually understood that this agreement shall not be transferable without written consent of the State.
5. The Cooperator will recompense the State fully for any and all damage directly or indirectly caused by his negligence or that of his employees.
6. This agreement may be terminated by written consent of both parties. It may be cancelled by the State on 30 days written notice for noncompliance.
7. The Cooperator shall not post, prohibit, or in any way restrict fishing, hunting, or trapping on the leased lands.
8. Upon the expiration or termination of this agreement and if all crops accruing to the State have been furnished, the Cooperator may have 60 days to remove all crops, materials, machinery, structures, and other equipment, except items furnished by the State, and upon failure to remove same within the aforesaid period, they shall become the property of the State.